

State of Minnesota

# State Register

Rules and Official Notices Edition



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# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- proposed, adopted, exempt, expedited emergency and withdrawn rules
- executive orders of the governor
- appointments
- proclamations and commendations
- commissioners' orders
- revenue notices
- official notices
- state grants and loans
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- certificates of assumed name, registration of insignia and marks

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#51	Monday 21 June	Noon Wednesday 9 June	Noon Tuesday 15 June
#52	Monday 28 June	Noon Wednesday 16 June	Noon Tuesday 22 June
Vol. 24 #1	Tuesday 6 July	Noon Wednesday 23 June	Noon Tuesday 29 June
#2	Monday 12 July	Noon Wednesday 30 June	Noon Tuesday 6 July

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# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1997 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (651) 297-3000, or toll-free 1-800-657-3757.

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# Proposed Rules

## Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

## Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

## Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

# Capitol Area Architectural and Planning Board

## Proposed Permanent Rules Governing Capitol Area Zoning and Design

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received**

### Proposed Amendments to Rules Governing Zoning and Design Rules for the Capitol Area, *Minnesota Rules*, Chapter 2400

**Introduction.** The Capitol Area Architectural and Planning Board intends to adopt rules without a public hearing following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28, and rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310. If, however, 25 or more persons submit a written request for a hearing on the rules within 30 days or by 4:30 p.m. on July 23, 1999, a public hearing will be held in Room 116A, Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota, 55155 starting at 9:30 a.m. on Monday, August 16, 1999. To find out whether the rules will be adopted without a hearing or if the hearing will be held, you should contact the agency contact person after July 23 and before August 16.

**Agency Contact Person.** Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Paul Mandell at Capitol Area Architectural and Planning Board, 204 Administration Building, 50 Sherburne Avenue, Saint Paul, MN 55155, 651-296-6719, and fax 651-296-6718. TTY users may call the agency contact person at the above listed number.

**Subject of Rules and Statutory Authority.** The proposed rules are about zoning and design rules for the Capitol Area in the City of Saint Paul. The statutory authority to adopt the rules is *Minnesota Statutes*, 15.50, Subd. 2. A copy of the proposed rules is published in the *State Register*. The proposed rules govern design and construction by means of zoning and design rules for the sixty-block Capitol Area of Saint Paul. A free copy of the rules is available upon request from the agency contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, July 23, 1999 to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on July 23, 1999. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency for determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The proposed rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the agency or presented at the hearing and the adopted rules may not be substantially different than these proposed rules. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for August 16, 1999, will be canceled if the agency does not receive requests from 25 or more persons that a hearing be held on the rules. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the agency contact person at 651-296-6719 after July 23, 1999 to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit written requests for a public hearing on the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Jon Lunde is assigned to conduct the hearing. Judge Lunde can be reached at the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone 612-341-7645 and FAX 612-349-2665.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day response period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day response period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge.

The agency requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or response period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Statement of Need and Reasonableness.** A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The statement may also be reviewed and copies obtained at the cost of reproduction from either the agency or the Office of Administrative Hearings.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date when the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rules and files them with the Secretary of State, and can make this request at the hearing or in writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: 7 June 1999

Nancy Stark  
Executive Secretary

### ~~2400.0110~~ 2400.0001 TITLE.

~~These rules~~ This chapter shall be known and may be cited as the "Capitol Area Zoning and Design Rules."

### ~~2400.0120~~ 2400.0005 PURPOSES.

~~These rules are~~ This chapter is adopted by the Capitol Area Architectural and Planning Board to further the statutory purposes of the board as stated in *Minnesota Statutes*, section 15.50:

- A. to preserve and enhance the dignity, beauty, and architectural integrity of the capitol, the buildings immediately adjacent to it, the capitol grounds, and the capitol area;
- B. to protect, enhance, and increase the open spaces within the capitol area when deemed necessary and desirable for the improvement of the public enjoyment ~~thereof~~;
- C. to develop proper approaches to the capitol area for pedestrian movement, the highway system, and mass transit system so that the area achieves its maximum importance and accessibility; and
- D. to establish a flexible framework for growth of the capitol buildings which will be in keeping with the spirit of the original design.

### 2400.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of ~~these rules this chapter~~, the terms defined ~~below in this part~~ shall have the meanings ~~ascribed given~~ to them.

Subp. 2. **Accessory use.** "Accessory use" ~~means a use which is incidental to, customarily found in connection with, and, except in the case of off-street parking spaces and loading, located on the same zoning lot as, the principal use to which it is related. Generally, an accessory use occupies less square footage than the principal use~~ has the meaning given in part 2400.0160.

~~Accessory uses include, but are not limited to the following:~~

- ~~A. residential accommodations for servants or caretakers;~~
- ~~B. a newsstand primarily for the convenience of the occupants of a building which is located wholly within such building and has no exterior signs or displays;~~
- ~~C. domestic storage in a shed, tool room, or similar accessory building;~~
- ~~D. storage within a fully enclosed building of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district rules; and~~
- ~~E. off-street parking spaces, open or enclosed, subject to the off-street parking rules for the district in which the zoning lot is located.~~

Subp. 2a. **Adult uses.** "Adult uses" means those uses that are not open to the general public but exclude members of the public by means of age and in which there is an emphasis on the presentation, display, depiction, or description of specific sexual activities or specific anatomical areas. Adult uses include, but are not limited to, adult bookstores, adult motion or mini-motion picture theaters, adult massage parlors, adult saunas, adult health clubs, cabarets, and other similar uses.

[For text of subp 3, see M.R.]

Subp. 3a. **Amusement arcade.** "Amusement arcade" means a building or part of a building in which five or more pinball machines, video games, or other similar player-oriented amusement devices are maintained.

Subp. 3b. **Antenna.** "Antenna" means any system of wires, poles, rods, towers, reflecting disks, dishes, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building, or freestanding elsewhere on the property.

Subp. 3c. **Auto body shop or repair center.** “Auto body shop” or “repair center” means a shop in the business of making either minor or major repairs to any automobile.

Subp. 3d. **Auto convenience market.** “Auto convenience market” means a place where gas, oil, lubricants, or minor accessories are sold directly to the public on the premises in combination with everyday items normally found in a convenience store or supermarket.

[For text of subps 4 and 5, see M.R.]

Subp. 5a. **Bed and breakfast residence.** “Bed and breakfast residence” means a dwelling in which four or fewer guest rooms are rented within the principal structure on a nightly basis for less than one week and where at least one meal per day is provided in connection with the sleeping accommodations. The operator of the residence lives on the premises or in an adjacent premise.

[For text of subps 6 and 7, see M.R.]

Subp. 8. **Boarding or lodging rooming house.** “Boarding or lodging rooming house” means a building designed for or used as a one-family or two-family dwelling and containing guest rooms where lodging, with or without meals, is provided for compensation on a daily, weekly, or monthly basis.

Subp. 9. **Building height.** The height of a building shall be is the distance measured from the mean grade of the sidewalk or a given grade elevation to the highest point of the building or parapet coping for flat roofs, to the deck line of mansard roofs, to the average height between eaves and ridge of the highest gable for pitched or hipped roofs, or to the highest point of any equipment mounted thereon on the building, with the exception of antennas, towers, and flagpoles.

Subp. 10. **Capitol area.** “Capitol area,” as defined has the meaning given in *Minnesota Statutes*, section 15.50, subdivision 2, consists of that area of the city of Saint Paul within the following boundaries: Beginning at the point of intersection of the centerline of the Arch-Pennsylvania freeway and the centerline of Marion Street, thence southerly along the centerline of Marion Street extended to a point 50 feet south of the south line of Concordia Avenue, thence southeasterly along a line extending 50 feet from the south line of Concordia Avenue to a point 125 feet from the west line of John Ireland Boulevard, thence southwesterly along a line extending 125 feet from the west line of John Ireland Boulevard to the south line of Dayton Avenue, thence northeasterly from the south line of Dayton Avenue to the west line of John Ireland Boulevard, thence northeasterly to the centerline of the intersection of Old Kellogg Boulevard and Summit Avenue, thence northeasterly along the centerline of Summit Avenue to the south line of the right-of-way of the Fifth Street ramp, thence southeasterly along the right-of-way of the Fifth Street ramp to the east line of the right-of-way of Interstate Highway 35-E, thence northeasterly along the east line of the right-of-way of Interstate Highway 35-E to the south line of the right-of-way of Interstate Highway 94, thence easterly along the south line of the right-of-way of Interstate Highway 94 to the west line of St. Peter Street, thence southerly to the south line of Eleventh Street, thence easterly along the south line of Eleventh Street to the west line of Cedar Street, thence southeasterly along the west line of Cedar Street to the centerline of Tenth Street, thence northeasterly along the centerline of Tenth Street to the centerline of Minnesota Street, thence northwesterly along the centerline of Minnesota Street to the centerline of Eleventh Street, thence northeasterly along the centerline of Eleventh Street to the centerline of Jackson Street, thence northwesterly along the centerline of Jackson Street to the centerline of the Arch-Pennsylvania freeway extended, thence westerly along the centerline of the Arch-Pennsylvania freeway extended and Marion Street to the point of origin.

Subp. 11. [See repealer.]

Subp. 12. [See repealer.]

Subp. 13. **Comprehensive plan.** “Comprehensive plan” means the plan adopted by the Capitol Area Architectural and Planning board pursuant to *Minnesota Statutes*, section 15.50, subdivision 2, including any unit or part of that the plan and any amendment to that plan or parts thereof of the plan.

Subp. 13a. **Conditional use.** “Conditional use” has the meaning given in part 2400.0160.

[For text of subp 14, see M.R.]

Subp. 14a. **Convenience store.** “Convenience store” means a retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with them, with a gross floor area of less than 7,500 square feet.

Subp. 15. [See repealer.]

Subp. 15a. **Day care.** “Day care” means the care of one or more children on a regular basis, for periods of less than 24 hours per day, in places including but not limited to nursery schools, day nurseries, and child care centers.

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## Proposed Rules

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[For text of subp 16, see M.R.]

Subp. 17. **Dwelling, Multiple-family dwelling.** “~~Dwelling, Multiple-family dwelling~~” means a building designed exclusively for occupancy by three or more families living independently of each other.

Subp. 18. **Dwelling, One-family dwelling.** “~~Dwelling, One-family dwelling~~” means a building designed exclusively for and occupied by one family.

Subp. 19. **Dwelling, Townhouse dwelling.** “~~Dwelling, Townhouse dwelling~~” means a one-family dwelling unit, with private front and rear entrances, which is part of a multiple-family dwelling whose dwelling units are attached ~~horizontally in a linear arrangement~~.

Subp. 20. **Dwelling, Two-family dwelling.** “~~Dwelling, Two-family dwelling~~” means a building designed exclusively for occupancy by two families living independently of each other.

Subp. 21. **Dwelling unit.** “Dwelling unit” means a building or portion ~~thereof of a building~~, designed for occupancy by one family for residential purposes and having cooking facilities.

[For text of subp 22, see M.R.]

Subp. 22a. **Emergency housing facilities.** “Emergency housing facilities” means a building where persons receive overnight shelter but are not expected to remain on a 24-hour per day basis.

Subp. 23. **Essential services.** “Essential services” means the erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, steam, fuel, or water transmission or distribution system, collection, communication, supply or disposal system, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar equipment in connection ~~herewith to those services~~, but not including buildings, which are necessary for the furnishing of adequate service by ~~such the~~ utilities or municipal departments for the general health, safety, or welfare.

Subp. 24. **Family.** “Family” means one or more persons, but not more than four if unrelated, living as a single housekeeping unit in a dwelling.

Subp. 25. **Floor area.** “Floor area” means the sum of the horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area ~~measurement~~ is exclusive of areas of basements, unfinished attics, attached garages, or space used for off-street parking, breezeways, and enclosed and unenclosed porches, elevator ~~or~~ stair bulkheads, mechanical or other utility shafts, and accessory structures as well as enclosed and inaccessible spaces.

Subp. 26. **Floor area, Usable floor area.** “~~Floor area, Usable floor area~~” means the floor area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers, and all that area devoted to employee work-space, but excluding ~~such~~ floor area which is used or intended to be used principally for the storage of merchandise, hallways, elevator or stair bulkheads, or for utilities or sanitary facilities.

Subp. 27. [See repealer.]

Subp. 28. **Front setback line.** “Front setback line” means a line parallel to the front lot line ~~and which that~~ establishes the minimum front yard depth of a zoning lot.

Subp. 29. **Grade.** “Grade” means the elevation established for the purpose of regulating the number of stories and the height of buildings. For buildings having a wall or walls on or within 15 feet of a street line, grade ~~shall be is~~ curb level, or its equivalent, opposite ~~such the~~ wall or walls. When a building has frontage on more than one street, the lowest curb level ~~shall apply applies~~. For buildings having all walls more than 15 feet from a street line, grade ~~shall be is~~ the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings.

Subp. 29a. **Gross leasable floor area.** “Gross leasable floor area” means the total floor area of a building or structure designed for the tenants’ occupancy and exclusive use, including basements, mezzanines, and upper floors, expressed in square feet and measured from the outside face of the exterior walls and from the centerline of common walls or joint partitions. It includes sales and integral stock areas, but excludes stairwells, elevator shafts, mechanical rooms, space related to the operation and maintenance of the building, and lobbies and bathrooms located for common or public use rather than for tenant or internal use.

Subp. 30. **Home occupation.** “Home occupation” means an occupation or business carried on in a dwelling by the resident ~~thereof~~, not involving retail or manufacturing business, and employing no persons other than members of the immediate family residing on the premises, except one or two ancillary ~~employee employees; including but not limited to the businesses and occupations of doctors, ministers, architects, lawyers, dentists, authors, artists, musicians, and other similar occupations provided that the use is limited in extent and incidental or secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling~~.

[For text of subps 31 and 32, see M.R.]

Subp. 33. **Lot.** “Lot” means a parcel of land occupied and used, or intended to be occupied and used, by a building or a group of buildings, together with ~~such~~ yards and open spaces as are required under ~~the provisions of these rules~~ this chapter, whether or not specifically designed as such on public records.

Subp. 34. **Lot; area.** “Lot; area” means the total horizontal area within the lot lines of the lot.

Subp. 35. **Lot; Corner lot.** “~~Lot~~; Corner lot” means a lot abutting two intersecting streets where the interior angle of two adjacent sides at the intersection of two streets is less than 135 degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of these rules if the arc is of less radius than 150 feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line, extended, form an interior angle of less than 135 degrees.

Subp. 36. **Lot; Interior lot.** “~~Lot~~; Interior lot” means any lot other than a corner lot.

Subp. 37. **Lot; Through lot.** “~~Lot~~; Through lot” means any interior lot having frontage on two streets.

Subp. 38. **Lot; Zoning lot.** “~~Lot~~; Zoning lot” means a single tract of land, comprised of one or more lots located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot must be in one zoning district and satisfy this chapter with respect to area, size, dimension, and frontage as required in the district in which the zoning lot is located.

Subp. 39. **Lot coverage.** “Lot coverage” means the part of ~~percent~~ of the lot occupied by buildings, including accessory buildings.

[For text of subp 40, see M.R.]

Subp. 41. [See repealer.]

Subp. 42. **Lot of record.** “Lot of record” means a parcel of land, the dimensions of which are shown on a document or map on file with the county register of deeds or in common use by state ~~or~~, municipal, or county officials, and which actually exists as ~~so~~ shown.

[For text of subs 43 and 44, see M.R.]

Subp. 45. [See repealer.]

Subp. 46. **Nonconforming building or sign.** “Nonconforming building or sign” means a building or portion ~~thereof of a building~~ or a sign ~~lawfully existing at that~~ lawfully existed prior to the effective date of ~~these rules, the applicable rule or amendments thereto~~ amendment, whichever is later, and that ~~does not conform, on or after the effective date of the applicable rule or amendment,~~ no longer conforms to the provisions of ~~these rules this chapter~~ pertaining to the district in which it is located.

Subp. 47. **Nonconforming use.** “Nonconforming use” means a use of land or a building which lawfully ~~occupied a building or land~~ at ~~existed prior to~~ the effective date of ~~these rules, the applicable rule or amendments thereto~~ amendment, whichever is later, and that, on or after the effective date of the applicable rule or amendment, does not conform to the use rules of the district in which it is located.

[For text of subp 48, see M.R.]

Subp. 48a. **Nursing home.** “Nursing home” means a building or structure where aged or infirm persons reside on a 24-hour basis in order to receive nursing and related services.

Subp. 48b. **Obscuring fence.** “Obscuring fence” is a fence which is 80 percent or more opaque.

Subp. 49. **Off-street parking lot.** “Off-street parking lot” means a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles. This includes adequate driveways, access ways, parking bays, garages, or combinations thereof, but does not include public roads, alleys, and streets.

Subp. 50. **Parking space.** “Parking space” means an area of definite length and width, exclusive of drives, aisles, or entrances giving access ~~thereto and shall be,~~ that is fully accessible for the storage or parking of permitted vehicles.

Subp. 50a. **Pawn shop.** “Pawn shop” means a place where a broker or other personnel loans money on deposit or pledge of personal property or other valuable thing.

Subp. 51. **Person.** “Person” means any individual, corporation, partnership, limited partnership, limited liability company, or association; ~~unincorporated,~~ or unit of state, local, or federal government.

[For text of subp 52, see M.R.]

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## Proposed Rules

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Subp. 53. **Principal use.** “Principal use” means the main use to which the premises are devoted and the principal purpose for which the premise exists ~~has the meaning given in part 2400.0160.~~

[For text of subs 54 and 55, see M.R.]

Subp. 56. ~~Restaurant, Drive-in restaurant.~~ “~~Restaurant, Drive-in restaurant~~” means a business establishment whose principal business is the selling of food, frozen desserts, or beverages to the customer in a ready-to-consume state, in individual servings, and where the customer consumes these foods, frozen desserts, or beverages in an automobile parked on the premises.

Subp. 57. ~~Restaurant, Fast food restaurant.~~ “~~Restaurant, Fast food restaurant~~” means a business establishment whose principal business is the selling of prepared, quick-order, and packaged foods in a ready-to-consume state, packaged in nonreturnable, disposable containers or wrappings, ~~and~~ where the customer may consume these foods while seated at tables or counters located within a building or in a vehicle after being served at a drive-through window. All restaurants with drive-through windows are considered fast food restaurants.

Any restaurant whose design or principal method of operation includes four or more of the following characteristics shall be deemed a fast food restaurant for zoning purposes:

- A. 45 percent or more of the floor area is devoted to food preparation, employee work space, and the customer service area;
- B. a permanent menu board is provided;
- C. if a chain or franchised restaurant, standardized food plans are used over several locations;
- D. customers pay for food before consuming it;
- E. a self-serve condiment board is provided;
- F. trash receptacles are provided for self-serve dining;
- G. plans indicate hard-finished, stationary seating arrangements; and
- H. most main course food items are prepackaged rather than made to order.

[For text of subp 58, see M.R.]

Subp. 58a. **Setback.** “Setback” means the distance required to obtain front, side, and rear yard open space provisions of this chapter, measured from the lot line to the above-grade faces of the building.

[For text of subp 59, see M.R.]

Subp. 60. **Sign.** “Sign” means the use of words, numerals, figures, devices, designs, or trademarks which purpose is to show or advertise a person, firm, profession, business, service, product, message, or provide information, warnings, or directions, including the ~~following~~ kinds of signs: described in items A to Y.

- A. “Accessory sign:” means a sign which pertains to the principal use of the premises;
- B. “Advertising sign:” means a nonaccessory sign related to an activity, service, or business not carried out on the premises upon which the sign is placed;
- C. “Announcement sign:” means a business sign which provides an announcement of church services or other religious activities, or a directory of offices or activities within a building or group of buildings;
- D. “Billboard:” means an advertising sign over 16 square feet in area;
- E. “Bus shelter/bench sign” means an advertising sign affixed to the side or length of a bus shelter or bus bench that is unrelated to the transit purpose of the shelter or bench.
- ~~E. F.~~ “Business sign:” means an accessory sign relating to the activity, service, or business conducted on the premises upon which the sign is placed;
- G. “Canopy sign” means a sign painted, stamped, perforated, stitched, or otherwise applied either on an awning or canopy or its valance.
- ~~F. H.~~ “Directional sign:” means a sign which conveys information or requirements about orientation and direction;
- G. festoon sign: a business sign where lights are hung or strung overhead and not on a building or structure;
- ~~H. I.~~ “Flashing, animated, or moving sign:” means a sign that intermittently reflects lights from either an artificial source or from the sun; or a sign which has movement of any illumination, such as intermittent flashing, scintillating, or varying intensity; or a sign that has any visible portions in motion, either constantly or at intervals, which motion may be caused either by artificial or natural sources;
- ~~I. J.~~ “Ground sign:” means a sign not attached to any building; and not supported by uprights or braces or by some object, but built on a base on the ground;

~~J. K.~~ “Identification and name plate:” means a business sign stating the name of a person, firm, institution, or name or description of a certain permitted use.

~~L.~~ “Illuminated sign” means a sign upon which artificial light is directed or which has internal lighting.

~~K. M.~~ “Marquee: sign” means a permanent roofed structure attached to and supported by the building and projecting over public right-of-way.

~~L. N.~~ “Nonaccessory sign:” means a sign which does not pertain to the principal use of the premises.

~~M. O.~~ “Political sign:” means a temporary sign which displays information pertaining to an upcoming governmental district, city, county, state, or national election, or an issue pending before the legislature.

~~N. P.~~ “Projecting sign:” means a sign attached to a building or other structure and extending in whole or in part more than 12 inches beyond the surface of the portion of the building line or extending over public property.

~~O. Q.~~ “Pylon sign:” means a sign supported by one or more poles with a clear space of not less than ten feet between the bottom of the face of the sign and the ground.

~~P. R.~~ “Real estate sign:” means a business sign placed upon a property advertising that particular property for sale, ~~or~~ for rent, or for lease.

~~Q. S.~~ “Real estate development sign:” means a business sign placed on the premises of a subdivision or other real estate development.

~~R. T.~~ “Roof sign:” means a sign, any part of which is erected upon, over, or above a roof of a building.

~~S. U.~~ “Temporary sign:” means any type of sign, flag, banner, or similar object other than a political sign intended to be displayed for a short time for special events; except as otherwise regulated in this chapter. A vehicle/portable sign shall not be deemed a temporary sign.

~~T. Vehicle business V.~~ “Vehicle/portable sign:” means a portable business sign painted on or attached to a vehicle; ~~and~~ or a chassis with wheels, skids, or other frame which is not permanently mounted in the ground or attached to a building and which is used for temporary messages or announcements.

~~U. W.~~ “Wall sign:” means a sign erected against a wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of ~~such~~ the wall and not extending more than 12 inches beyond the surface of the portion of the building wall on which erected. Wall signs include murals, whether painted or applied upon the walls with a commercial message or content. In the case of murals, any lettering or symbols that relate directly to the nature of business on the premises shall be considered in the allocation of signage for that property.

~~X.~~ “Window sign” means a permanent or temporary sign posted inside a storefront or window that provides or advertises information concerning certain products, prices, or other messages directly related to the conduct of business on the premises. “Window sign” does not include the temporary posting of flyers or promotions for timely events of a religious, civic, or neighborhood nature.

Subp. 61. **Story.** “Story” means the part of a building; included between the surface of one floor and the surface of the next floor; or, if ~~there is no floor above the topmost floor,~~ then the ceiling or roof next above. A basement ~~shall~~ is not be counted as a story.

Subp. 62. **Story, Half story.** “~~Story, Half story~~” means an uppermost story lying under a sloping roof having an area of at least 200 square feet, with a clear height of seven feet six inches. For the purpose of ~~these rules this chapter,~~ the usable floor area is only that area having at least four feet clear height between floor and ceiling or a legally useable floor level which is half exposed aboveground.

[For text of subp 63, see M.R.]

Subp. 63a. **Supervised living facility licensed by the Department of Human Services.** “Supervised living facility licensed by the Department of Human Services” means one main building or portion thereof on one zoning lot where children or persons with developmental or physical disabilities or who have a chemical dependency reside on a 24-hour basis under the auspices of a program licensed by the Minnesota Department of Human Services to provide lodging, care, training, education, supervision, habilitation, rehabilitation, or treatment they need but which for any reason cannot be furnished in their own home. Supervised living facilities specifically do not include hospitals, prisons, juvenile detention centers, reformatories, residential facilities for programs licensed by the Minnesota Department of Corrections, foster homes, or treatment centers operated by the commissioner of human services.

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Subp. 63b. Supervised living facility licensed by the Department of Health. “Supervised living facility licensed by the Department of Health” means one building or portion thereof on one zoning lot which is licensed by the commissioner of health as a rooming or boarding house and receives 50 percent or more of its residents under a contract with state or local government human service agencies to provide lodging for people with developmental disabilities or chemical dependency.

[For text of subp 64, see M.R.]

Subp. 65. Temporary use or temporary building. “Temporary use” or “temporary building” means a use or building permitted to exist under the specific stipulations of ~~these rules~~ this chapter during periods of construction of the main building or use, or for special events.

Subp. 65a. Transitional housing facility. “Transitional housing facility” means a building or portion of a building on one zoning lot where persons who may or may not have access to traditional or permanent housing, but who are capable of living independently within a reasonable period of time, reside on a 24-hour-per-day basis for approximately 30 days, and participate in program activities to facilitate their independent living.

Subp. 66. Underground structure. “Underground structure” means any completed building designed to be built partially or wholly below grade; ~~a completed structure which that~~ was not intended to serve as a substructure or foundation of a building.

[For text of subp 67, see M.R.]

Subp. 67a. Variance. “Variance” means the process described in parts 2400.1500 to 2400.1530.

Subp. 68. Yards Yard. “Yards” “Yard” means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in ~~these rules~~ this chapter and ~~as defined herein~~; in items A to C.

A. “Front yard:” means an open space extending the full width of the front lot line, the depth of which is the minimum horizontal distance between the front lot lines and the nearest point of the main building.

B. “Rear yard:” means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

C. “Side yard:” means an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

Subp. 69. Zoning administrator. “Zoning administrator” means an employee of the board designated by the board upon the recommendation of the executive secretary as zoning administrator.

### **2400.0130 ZONING DISTRICTS ESTABLISHED.**

The following zoning districts for the capitol area are ~~hereby~~ established:

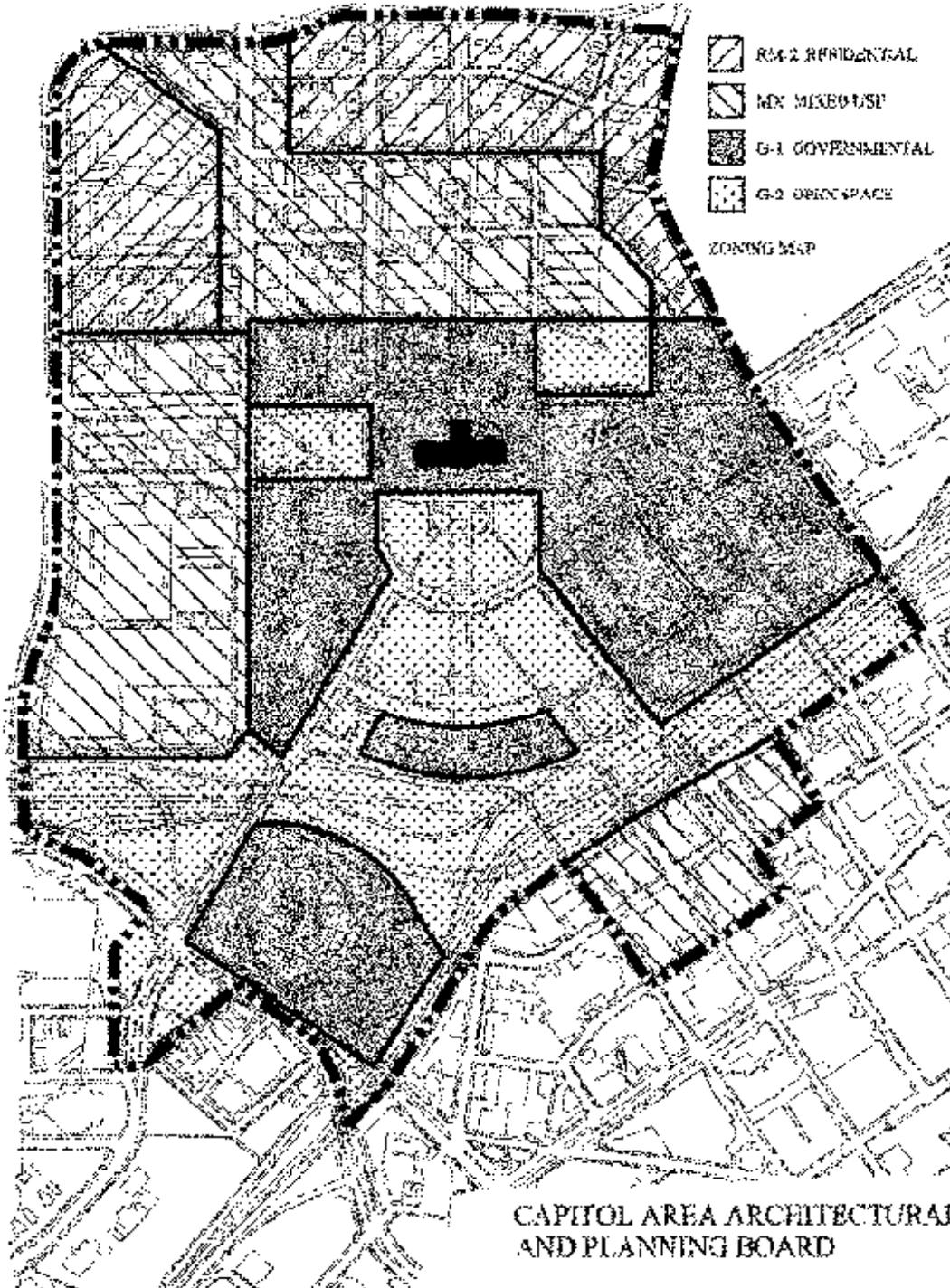
- A. governmental district (G-1);
- B. governmental district (G-2);
- C. medium-density, multiple-family residential district (RM-2); and
- D. ~~community business district (B-2);~~
- E. ~~office service district (OS-1); mixed use district (MX).~~
- F. ~~planned unit development district (PD); and~~
- G. ~~mixed use district (MX).~~

### **2400.0140 ZONING MAP.**

Subpart 1. **Establishment of zones.** The capitol area is divided into zoning districts as shown on the official zoning map entitled “Zoning districts for the capitol area,” subpart ~~2a~~ 2b. The map and any amendments with all explanatory matter, are made a part of ~~these rules~~ this chapter.

Subp. 2a. [See repealer.]

Subp. 2b. Zoning districts for capitol area.



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### 2400.0150 BOUNDARIES.

Where uncertainty exists with respect to the boundaries of any of the districts established in ~~these rules this chapter~~ as shown on the official capitol area zoning district map, ~~the following shall items A to D govern:~~

A. Where district boundaries are indicated as approximately following the center line of streets or highways, street lines, or highway right-of-way lines, ~~such the center lines shall be construed to be said~~ are the boundaries.

B. Where district boundaries are ~~so~~ indicated ~~that they as~~ approximately ~~follow~~ following the lot lines, ~~such the lot lines shall be construed to be said~~ are the boundaries.

C. Where district boundaries are ~~so~~ indicated ~~that they are as being~~ approximately parallel to the center lines of street or the center lines of right-of-way lines of highways or railroads, ~~such the district boundaries shall be construed as being parallel thereto to the center lines~~ and at ~~such the distances therefrom as from them~~ indicated on the capitol area zoning district map.

D. Where unzoned property ~~may exist~~ exists, or where, due to the scale, lack of detail, or illegibility of the zoning map, there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown ~~thereon on the map~~, the exact location of district boundary lines shall be determined by the board upon the written application of a property owner or upon its own motion.

### 2400.0160 USES PERMITTED USES.

Subpart 1. **In general.** Except as otherwise provided by ~~these rules this chapter~~, no building or tract of land ~~shall may~~ be devoted to any use other than a principal use or a conditional use permitted in the zoning district in which ~~such the~~ building or tract of land is located. Accessory uses, as described in subpart 4, are permitted in all districts.

Subp. 2. **Principal use.** A principal use ~~shall be is~~ permitted upon the finding by the board that the proposed use is:

A. specifically enumerated as a principal use in the zoning district in question; or

B. wholly consistent with the purpose of ~~such the~~ district and with the general character of the enumerated principal uses of ~~such the~~ district.

Subp. 3. **Conditional use.** Any use which is not a principal use may be permitted as a conditional use upon ~~the a~~ finding by the board that ~~such the~~ use is specifically enumerated as a conditional use for ~~such the~~ district and that, if established, ~~such the~~ use:

A. will not materially adversely affect the general character of existing principal uses;

B. will not adversely affect the beauty, dignity, and architectural integrity of the capitol area; and

C. will be established ~~pursuant to under~~ the conditions and requirements for ~~such the~~ uses enumerated in ~~these rules this chapter~~ and ~~such~~ additional conditions and requirements as the board may impose to ensure compliance with items A and B.

Subp. 4. **Accessory use.** "Accessory use" means a use which is incidental to, customarily found in connection with, and, except in the case of off-street parking spaces and loading, located on the same zoning lot as the principal use to which it is related. Generally, an accessory use occupies less square footage than the principal use.

Accessory uses include, but are not limited to, the following:

A. residential accommodations for servants or caretakers;

B. a newsstand primarily for the convenience of the occupants of a building which is located wholly within the building and has no exterior signs or displays;

C. domestic storage in a shed, tool room, or similar accessory building no larger than 35 percent of the rear yard;

D. storage within a fully enclosed building of merchandise normally carried in stock in connection with a business or industrial use, unless storage is excluded for the appropriate districts;

E. off-street parking spaces, open or enclosed, subject to the off-street parking rules for the district in which the zoning lot is located;

F. air conditioning condensers; and

G. accessory apartments or additional dwelling units in or added to an existing one-family detached dwelling for use as a complete, independent living facility with provisions for cooking, eating, and sleeping.

**2400.0170 GOVERNMENTAL DISTRICT (G-1); PRINCIPAL USES.**

Only those uses which are consistent with the orderly growth of the facilities of state government, the preservation and enhancement of existing structures, especially the state capitol, and the creation and preservation of open space within the capitol area ~~shall be as principal uses~~ are permitted as principal uses in the governmental district. ~~Such~~ Principal uses include, but are not limited to, the following:

- A. the capitol of the state of Minnesota, including but not limited to executive, judicial, and legislative uses;
- B. state of Minnesota offices, including but not limited to executive, judicial, legislative, and administrative offices;
- C. state of Minnesota museums and historical centers;
- D. state of Minnesota boiler and maintenance facilities;
- E. state-owned parking facilities;
- F. pedestrian, transit, and service circulation systems, and related facilities;
- G. public open space; and
- H. accessory buildings, structures, and uses. Outside storage is prohibited.

**2400.0180 GOVERNMENTAL DISTRICT (G-1); CONDITIONAL USES.**

The following conditional uses ~~shall be~~ are permitted in the governmental district pursuant to ~~the provisions of~~ part 2400.0160, subpart 3, and subject to the conditions ~~hereinafter~~ imposed for each use:

- A. retail and service establishments;
- B. exhibition space;
- C. ~~museums;~~
- ~~D.~~ D. historical and cultural centers;
- ~~E. D.~~ D. tourist information facilities; and
- E. outside storage of materials or equipment on a short-term basis if contained within a fully enclosed and/or landscaped area;
- F. antennas and amateur radio towers provided that:

(1) radio towers for licensed amateur radio stations which exceed the allowable height of structures in residentially zoned districts do not exceed 75 feet above established grade;

(2) radio towers are located only in the rear yard portion of the lot and are provided setbacks from side lot line equal to at least the greater of the two side yards required in this chapter; and

(3) satellite dishes are five feet in diameter or less and located in the least visible location as viewed from the public right-of-way;

~~F. G.~~ G. other uses reasonably necessary and convenient for the satisfactory and efficient operation of the facilities of state government and to provide adequate public access ~~thereto to them.~~

**2400.0190 GOVERNMENTAL DISTRICT (G-2); PRINCIPAL USES.**

Permanent open spaces ~~which that~~ preserve and enhance the capitol area ~~shall be~~ are permitted as principal uses in the governmental district (G-2). ~~Such~~ ~~The~~ uses ~~shall~~ include, but ~~are~~ not ~~be~~ limited to, lawns, gardens, landscaped areas, and plazas.

**2400.0200 GOVERNMENTAL DISTRICT (G-2); CONDITIONAL USES.**

A. ~~A.~~ Underground structures containing uses, as regulated in G-1 zone, ~~shall be~~ are permitted provided that the following criteria are met:

~~A.~~ (1) location and type of landscaping will preserve and enhance the capitol area;

~~B.~~ (2) safeguards for erosion control are provided; ~~these shall that~~ include, but ~~are~~ not ~~be~~ limited to, landscaping and seeding of topsoil;

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~~C. (3) reasonable documentation satisfactory to the board that soil conditions will not cause damage to adjacent property shall be is provided;~~

~~D. (4) at least 75 percent of surface areas shall will be devoted to G-2 uses;~~

~~E. (5) vistas of the capitol shall will remain intact; and~~

~~F. (6) only aboveground accessory aboveground uses which are essential to the operation of underground structures shall be permitted; these may include ventilation shafts. Said aboveground accessory uses shall in no way that do not detract from the beauty and dignity of the capitol area.~~

B. Other permitted uses in G-1 zone include commemorative works, monuments, or memorials that have been approved for placement under Minnesota Statutes, section 15.50, subdivision 2, paragraph (c).

### **2400.0210 MEDIUM-DENSITY, MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM-2); PRINCIPAL USES.**

Only those uses providing ~~single- one-~~ and multiple-family residential structures resulting in moderate population density (~~see the, and as provided in the~~ area, bulk, and setback ~~rules contained requirements~~ in part 2400.0410) ~~shall be, are~~ permitted as principal uses in a medium density multiple family residential district. ~~Such~~ Principal uses include, but are not limited to:

A. ~~single-family one-family~~ detached dwellings;

B. two-family detached dwellings;

C. townhouse dwellings;

D. multiple-family dwellings;

E. publicly owned and operated libraries, parks, and recreation facilities;

F. public, parochial, and other private elementary; ~~junior high, or high~~ schools offering courses in general education, and not operated for profit;

G. public buildings; and uses, without outdoor storage;

H. accessory buildings, structures, and uses; and

I. churches, chapels, synagogues, temples, and other similar houses of worship.

### **2400.0220 MEDIUM-DENSITY, MULTIPLE-FAMILY RESIDENTIAL DISTRICT (RM-2): CONDITIONAL USES.**

The ~~following~~ conditional uses ~~shall be in items A to Q are~~ permitted pursuant to ~~the provisions of~~ part 2400.0160, subpart 3, and subject to the conditions ~~hereinafter~~ imposed for ~~such their~~ use~~s~~.

A. Multiple-family residential structures resulting in moderate to high population density (~~see, and subject to the~~ area, bulk, and setback ~~rules requirements~~ in part 2400.0410), provided that:

(1) the automobile traffic generated by ~~such the~~ use will not exceed the capacity of adjacent streets; and

(2) the use is consistent with adjacent uses.

B. ~~Rectories, parsonages, and parish houses which are accessory to a church, chapel, synagogue, temple, or other similar house of worship.~~ Residential uses such as convents, monasteries, or rectories and parsonages that are commonly associated with religious houses of worship, schools, or church-sponsored retreat centers.

C. Recreation uses, including but not limited to, swimming pools, tennis courts, putting greens, cabanas, and similar recreational uses which are accessory to a particular dwelling structure or structures, ~~and which are subject to the following conditions~~ provided that:

(1) all ~~recreation recreational~~ uses ~~shall will~~ be restricted to the specific use of the residents and ~~shall will~~ not be operated as public business uses; and

(2) the location on the zoning lot of the recreation use ~~shall be is~~ approved by the board.

D. Private residential pools ~~shall be subject to the following additional conditions, provided that:~~

(1) all ~~such the~~ pools ~~shall be are~~ located in the rear yard;

(2) there ~~shall be is~~ a distance of not less than ten feet between the adjoining property line and outside of the pool wall;

(3) there ~~shall be is~~ a distance of not less than four feet between the outside pool wall and any building located on the same lot;

(4) ~~No swimming~~ the pool ~~shall be is not~~ located less than the distance required for a side yard by ~~these rules this chapter,~~ or ten feet, whichever is greater, from the right-of-way of any side street or alley;

(5) ~~No swimming the pool shall be~~ is not located in a public easement; and

(6) all yards containing swimming pools ~~shall be~~ are completely enclosed by a fence not less than six feet in height. ~~The gates shall be containing a gate~~ of a self-closing and latching type, with the latch on the inside of the gate, not readily available for children to open. ~~Gates shall be, that is~~ is capable of being securely locked when the pool is not in use.

E. Private noncommercial recreational uses, including but not limited to institutional or community recreation centers, non-profit swimming, tennis, or other recreational clubs, ~~subject to the following conditions provided that:~~

(1) the proposed site for any of the uses permitted ~~herein shall have~~ has at least one property line abutting a major thoroughfare, as designated in the comprehensive plan, and the site ~~shall be so~~ is planned ~~as~~ to provide principal access directly to ~~said~~ the major thoroughfare ;

(2) front, side, and rear yards ~~shall be~~ are at least 40 feet wide, and ~~shall be~~ are landscaped in trees, shrubs, and grass. ~~All such landscaping shall be~~ maintained in a healthy condition;

(3) there ~~shall be~~ is no parking or structures ~~permitted~~ within 40 feet of any lot line, except required entrance drives and those walls used to obscure the use from abutting residential districts; and

~~(3)~~ (4) sufficient off-street parking ~~shall be~~ is provided to accommodate not less than one-fourth of the membership; and provided that, prior to the issuance of a zoning permit, bylaws and official membership roll of the organization ~~shall be~~ are supplied to the zoning administrator in order to determine the membership involved for computing the off-street parking requirements.

F. Utility and public service uses which are completely enclosed within a building, when operating requirements necessitate locating ~~said~~ the building within the district in order to serve the immediate vicinity, but not including storage yards accessory to ~~such~~ those uses ~~shall be prohibited.~~

G. Home occupations: that consist of occupations or businesses carried on in dwellings by at least one of the residents of the dwellings and with written approval by the property owners provided that:

(1) the uses do not adversely affect the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other annoyance;

(2) the uses do not involve the conduct of a manufacturing business, a commercial food service requiring a license, auto service, or repair for vehicles other than those registered to the residents or owner of the property;

(3) the uses are carried on wholly within the main buildings, detached accessory buildings, or garages;

(4) only one business vehicle no larger than a pickup truck or van may be parked;

(5) the home occupation has an identification sign no larger than seven square feet located within the required yard; and

(6) there is no exterior storage of products or materials.

H. Nursery schools, day nurseries, and child care centers, not including dormitories, provided that for each child cared for there is provided and maintained ~~a minimum of 150 square feet of an outdoor play area: Such play area shall have a total minimum area of at least 2,000 square feet, and shall be of adequate size to meet licensing requirements that is~~ fenced and screened from any adjoining land with planting. ~~Any use permitted herein shall not be permitted in an interior of any residential lot.~~

I. Nursing homes and boarding care homes, provided the yard requirements for multiple-family use in ~~this~~ the district are applied.

J. Retail service and office uses, ~~subject to the following conditions provided that:~~

(1) any retail service or office use on the zoning lot ~~shall be~~ is incidental to the principal use and designed to service only the residents or users of the principal use;

(2) ~~Such~~ the uses ~~shall be~~ are provided totally within the walls of the principal structure and ~~shall be~~ are obscured from any exterior view; and

(3) ~~Such~~ the uses ~~shall~~ do not exceed 25 percent of the floor area of a subgrade level; and ~~shall be prohibited on all floors~~ are not engaged in above the first floor or grade level.

K. Accessory buildings, structures, and uses customarily incidental to any of the ~~above~~ permitted uses in this part.

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L. Antennas and amateur radio station towers, subject to the following conditions provided that:

(1) radio towers for licensed amateur radio stations which exceed the allowable height of structures in residentially zoned districts shall do not exceed 75 feet above established grade;

(2) Said radio towers shall be are located only in the rear yard portion of the lot and shall be are provided setbacks from side lot line equal to at least the greater of the two side yards required in these rules this chapter; and

(3) satellite dishes are five feet or less in diameter and located in the least visible location as viewed from the public right-of-way.

M. Bed and breakfast residences.

N. Rooming houses and boarding houses, transitional housing facilities, emergency housing facilities, shelters for battered persons, and supervised living facilities licensed by the Department of Human Services or the Department of Health for 12 or fewer persons, that are located at least 1,320 radial feet from any other such facility provided that:

(1) a minimum lot area of 5,000 square feet is provided for the first two guest rooms and 1,000 square feet for each additional guest room;

(2) one off-street parking space is provided for every dwelling unit;

(3) no more than one percent of the capitol area's population already lives in any of these facilities;

(4) permission for conditional use applies only as long as the number of residents is not increased and its licensing, purpose, or location do not change and other conditions of the permit are met; and

(5) a facility is not located in a two-family or multifamily dwelling unless the facility occupies the entire structure.

O. Foster homes.

P. Hospices serving eight or fewer facility residents.

Q. Outside storage of materials or equipment on a short-term basis if contained within a fully enclosed and/or landscaped area.

### **2400.0320 2400.0235 MIXED USE DISTRICT (MX); PRINCIPAL USES.**

~~Only~~ Those uses which primarily serve the individual shopping, office, or service needs of area residents, visitors, or employees, and those uses which are permitted as principal uses in the medium-density, multiple-family residential district (RM-2), the community business district (B-2), and the office service district (OS-1); and the governmental district (G-1) shall be are permitted as principal uses in a mixed use district. Those principal uses include, but are not limited to, the following:

A. the retail sale of consumer goods, with the exception of merchandise limited to adult use due to its sexual nature, alcohol for off-site consumption, guns, or other uses addressed as a conditional use under part 2400.0245, provided that no establishment is allowed which requires or utilizes extensive outdoor display or sales areas;

B. the processing or manufacturing of consumer goods, provided, however, that all goods are sold at retail on the premises where processed or manufactured;

C. personal service establishments which perform services on the premises, including, but not limited to: repair of watches, radios, televisions, and the like; tailor shops, beauty parlors, or barbershops; photographic studios; but excluding tattoo shops, pawn shops, and check cashing facilities not a part of an established bank or other financial institution;

D. drycleaners or laundries including self-service laundries and drycleaners, provided, however, that laundry or drycleaning plants serving more than one retail outlet are prohibited;

E. business, financial, and professional offices and services;

F. restaurants and lounges, except drive-ins and fast-food restaurants;

G. food catering establishments;

H. medical offices and other facilities for human care, including clinics and nursing homes;

I. banks and similar financial institutions;

J. educational research and technical training institutions; and

K. accessory buildings, structures, and uses customarily incidental to the permitted uses in items A to J.

**2400.0330 2400.0245 MIXED USE DISTRICT (MX); CONDITIONAL USES.**

~~Only~~ Those uses which serve the secondary needs of residents, visitors, or employees, as well as those uses which are permitted as conditional uses in the medium-density, multiple-family residential district (RM-2); ~~the community business district (B-2), and the office-service district (OS-1) shall be permitted as conditional uses in the mixed use district pursuant to the provisions of part 2400.0160, subpart 3 and subject to and one governmental district (G-1), subject to the conditions therein imposed as a conditional use in the RM-2; B-2, and OS-1 districts and G-1 districts, are allowed. The conditional uses include, but are not limited to, items A to Q permitted pursuant to part 2400.0160, subpart 3, and subject to conditions imposed for each use.~~

A. Public utility buildings and telephone exchange buildings, but without storage yards.

B. Theaters, assembly halls, concert halls, or similar places of assembly when completely enclosed.

C. Business schools, nonacademic colleges, or trade schools operated for profit.

D. Public transportation facilities.

E. Fast food restaurants without a drive-through facility and when incorporated into a multiuse retail center.

F. Outdoor business such as: retail sales of plant material not grown on the site, and sales of lawn furniture, playground equipment, and garden supplies; provided that no use shall lessen or impinge upon the off-street parking area or the off-street loading area, or impair the system of pedestrian access or flow.

G. Bowling alley, billiard hall, amusement arcade, indoor archery range, indoor tennis court, indoor skating rink, or similar forms of indoor commercial recreation when located at least 100 feet from any front, rear, or side yard of any residential lot in an adjacent residential district.

H. Fully enclosed automobile sales or service centers, when located in a shopping center.

I. Auto body shops or repair centers and auto or regular convenience stores.

J. Motels, hotels, or other similar establishments, subject to the following conditions:

(1) access must not conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare; and

(2) no guest may establish permanent residence at a motel.

K. Any combination of permitted and conditional uses when the uses are combined in a single structure or in connected or closely related structures and are located near a parking lot or lots specifically intended to provide parking for the customers and patrons of said uses.

L. Post offices and other similar governmental uses.

M. Bars where sale of alcohol is for on-site consumption only.

N. Freestanding foster homes or hospices serving 16 or fewer facility residents, provided they meet the requirements in part 2400.0220, multiple-family residential conditional uses.

O. Shelters for battered persons or transitional housing serving 16 or fewer residents, provided they meet the requirements in part 2400.0220, multiple-family residential conditional uses.

P. Outside storage of material or equipment on a short-term basis if contained within a fully enclosed and/or landscaped area.

Q. Accessory buildings, structures, and uses customarily incidental to the permitted uses in items A to P.

**2400.0400 SCOPE.**

No building or structure ~~shall hereafter~~ may be erected or constructed, and no existing building or structure ~~shall hereafter~~ may be reconstructed, enlarged, moved, or altered, unless in conformity with ~~the rules herein specified~~ this chapter limiting floor area ratio, lot coverage, height, yard setback, and size of lots in each zoning district.

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## 2400.0410 BASIC LOT REQUIREMENTS.

Subpart 1. **Chart of basic lot requirements.** The floor area ratio, lot coverage, height, yard setback, and size of lot in each zoning district shall be as set forth on the following chart:

A. Schedule of regulations limiting height, bulk, density, and area by zoning districts.

	<u>Governmental District (G-1)</u>	<u>One-family Detached Dwelling (RM-2)</u>	<u>Two-family Dwelling (RM-2)</u>	<u>Multiple family Dwelling (RM-2)</u>	<u>Mixed Use District (MX)</u>
<u>Maximum percent of buildable lot coverage permitted (area of all structures and required off-street parking)</u>	<u>100%</u>	<u>30%</u>	<u>30%</u>	<u>30%</u>	<u>100%</u>
<u>Minimum yard setback for (lot in feet)</u>					
<u>Front</u>	<u>5 feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>5 feet</u>
<u>Side (least one)</u>	<u>0 feet</u>	<u>4 feet (see also item B)</u>	<u>9 feet (see also item B)</u>	<u>1/2 height or 15 feet whichever is greater (see also item B)</u>	<u>0 feet</u>
<u>Side (total of two)</u>	<u>0 feet</u>	<u>8 feet (see also item B)</u>	<u>18 feet (see also item B)</u>	<u>30 feet (see also item B)</u>	<u>0 feet</u>
<u>Rear</u>	<u>0 feet</u>	<u>35 feet</u>	<u>25 feet</u>	<u>25 feet</u>	<u>0 feet</u>
<u>Minimum size lot per unit in square feet</u>	<u>None</u>	<u>5,000</u>	<u>3,500</u>	<u>See item B</u>	<u>None</u>
<u>Minimum size lot per unit in linear feet (width)</u>	<u>None</u>	<u>40 feet</u>	<u>30 feet</u>	<u>See item B</u>	<u>None</u>

Except as provided in part 2400.0420, the maximum height of a building or structure is 944 feet above sea level. Specific heights will vary with the ground elevation of each site.

~~Notes to schedule of rules charts. For setbacks in visual corridors, see part 2400.1180.~~

~~A. Note A. B.~~

[For text of subitems (1) to (7), see M.R.]

(8) In an RM-2 district, for the purpose of computing the permitted number of dwelling units, the following room assignments control: one bedroom equals two rooms, two bedrooms equals three rooms, etc. Plans presented that show units that include a den, library, or other extra rooms shall count extra rooms as bedrooms, provided the extra rooms meet the legal requirements of the city of St. Paul for computing densities. An efficiency unit must be counted as a one-bedroom unit.

If townhouses are developed on individually described lots, the minimum size lot per unit shall be applied to each individually described lot.

If townhouses are developed on parcels where only the land immediately beneath each dwelling unit constitutes an individually described lot and all other land required for yards, other open space, parking, and other necessary land as required by this ordinance chapter constitutes common properties, jointly owned by the owners of the described lots beneath each dwelling unit, the minimum size lot per unit shall be applied to the entire parcel. In addition, ~~the following additional rule shall apply:~~ principal structures shall not cover more than 30 percent of the parcel, including the individually described lots and the common properties. ~~In all such instances above,~~ On each individually described lot, there shall be provided a minimum of 300 square feet of open space, unobstructed except for trees, shrubs, fences, yard furniture, or similar facilities for the private use of the residents of the dwelling unit occupying that lot.

~~B. Note B.~~

(1) ~~In an RM-2 district, the front, side, and rear yards do not apply to spacing between buildings for a development of two or more buildings on the same parcel or on adjacent parcels where there are no yard requirements. In such cases, the minimum distance between any two buildings shall be regulated according to the length and height of such building, and in no instance shall the distance be less than 30 feet. See following formula:~~

(2) ~~In any RM-2 district, the area devoted to off-street parking, drives, or maneuvering lanes shall not cover more than 30 percent of the area of any required yard or any required minimum distance between buildings.~~

(3) ~~In any RM-2 district, the required minimum distance between two buildings shall be determined according to the following formula:~~

$$S = \frac{L^2A + L^2B + 2(L^H A + L^H B)}{6}, \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B or the vertical prolongation of either.

<sup>L</sup>A = total length of building A. The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

<sup>L</sup>B = total length of building B. The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

<sup>L</sup>A = height of building A. The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

C. For the setback in G-1 district in the east capitol area, a special requirement of a ten-foot front yard setback shall be applied to both sides of Robert Street.

Subp. 2. [See repealer.]

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### 2400.0420 HEIGHT DISTRICTS.

Subpart 1. **Requirement.** In order to preserve the state capitol building as the dominant structure in the capitol area, no building shall be constructed to a height greater than the maximum height permitted in the height district, as shown on the map in subpart 2a. The maximum height is stated as elevation above sea level, in contrast to Saint Paul datum. Conversion is accomplished by adding 694.1 feet to the Saint Paul datum in order to determine elevation above sea level. ~~Said~~ The maximum heights are as follows: described in items A and B.

A. Height district #1: No building shall be constructed to a height greater than 944.0 feet above sea level. This elevation corresponds to the height of the capitol building exclusive of the dome; generally, this would allow a building height of four to six stories in the capitol area.

Within height district #1 in the east capitol area, further height restrictions shall be applied. The meeting line of the roof and side walls or the top of parapets and the crowning cornices of any building shall not exceed the following heights stated for subdistricts 1a, 1b, 1c, and 1d:

(1) subdistrict 1a: An area between Robert Street and East Central Park Street (and its geometric extension) from the southeast side of Aurora Avenue to a line extending from the southeast side of Fourteenth Street (built to a maximum height of 900.1 feet above sea level, 206 feet Saint Paul datum);

(2) subdistrict 1b: An area between Jackson Street and East Central Park Street (and its geometric extension) from the northwest side of Thirteenth Street (and its geometric extension) to a line 250' north of University Avenue, drawn east to west between Jackson Street and Robert Street, then turning south along Robert Street to its intersection with University Avenue, then west on University Avenue for 350', and again south to meet the line extending from East Central Park Street. Subdistrict 1a is excluded from the area so described (built to a maximum height of 888.1 feet above sea level, 194 feet Saint Paul datum);

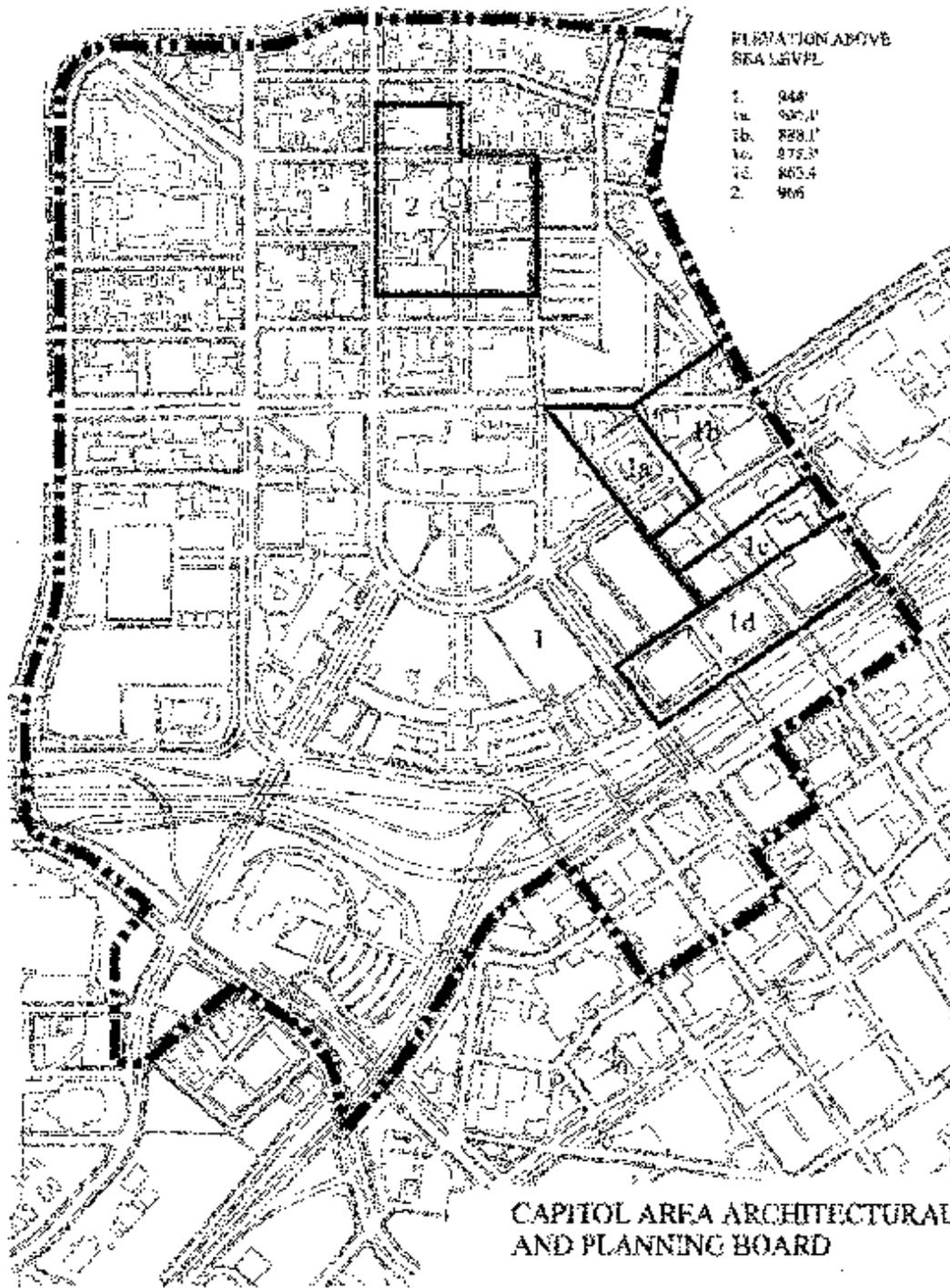
(3) subdistrict 1c: An area between Jackson Street and East Central Park Street from the northwest side of Thirteenth Street (and its geometric extension) to the southeast side of Columbus Avenue (and its geometric extension) (built to a maximum height of 876.1 feet above sea level, 182 feet Saint Paul datum); and

(4) subdistrict 1d: An area between Jackson Street and Cedar Street from the southeast side of Columbus Avenue (and its geometric extension) to the southeast side of Twelfth Street. Should the part of Minnesota Street in this subdistrict be vacated, the building height restriction in its right-of-way shall be an elevation of 831.1 feet, 137 feet Saint Paul datum (built to a maximum height of 864.1 feet above sea level, 170 feet Saint Paul datum).

B. Height district #2: No building shall be constructed to a height greater than 966.0 feet above sea level. Boundaries are described in the map ~~designated "Height Districts of the Capitol Area."~~ in subpart 2a.

Subp. 2. [See repealer.]

Subp. 2a. Map of height districts in capitol area.



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### 2400.0450 PARKING SPACES REQUIRED.

~~There shall~~ Automobile off-street parking space with adequate access to all spaces must be provided in all zoning districts, at the time of erection or enlargement of any principal building or structure; ~~automobile off-street parking space with adequate access to all spaces~~. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided as ~~hereinafter~~ prescribed in parts 2400.0460 to 2400.0540.

### 2400.0460 LOCATION OF OFF-STREET PARKING SPACES.

Off-street parking for other than residential use shall be either on the same lot or within the same district and within ~~300~~ 1,000 feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Satellite parking not directly related to a state office need in the capitol area or downtown Saint Paul shall not be permitted.

Off-street parking for residential use ~~shall~~ must not be within the required front yard setback.

### 2400.0470 RESIDENTIAL OFF-STREET PARKING.

Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve; ~~and~~ subject to ~~the provisions of~~ parts 2400.0650 to 2400.0680 ~~accessory building rules~~.

### 2400.0490 JOINT OFF-STREET PARKING FACILITIES.

Two or more buildings or uses may jointly provide the required off-street parking, in which case the required number of parking spaces ~~shall~~ may not be less than the sum of the requirements for the several individual uses computed separately; ~~provided, however, that~~. Where the operating hours of the buildings or uses providing such joint parking facilities do not overlap, the board may, upon written application for a variance, reduce the number of parking spaces otherwise required. Whenever ~~such~~ the hours of use change and do overlap, however, the number of required parking spaces shall revert to not less than the sum of the requirements for the several individual uses computed separately.

### 2400.0500 STORAGE PROHIBITED.

The open storage of merchandise, motor vehicles for sale, trucks, refuse or other debris, or the repair of vehicles in areas designated for parking areas is prohibited.

### 2400.0510 ~~HANDICAPPED ACCESS~~ ACCESSIBILITY PARKING.

~~Wherever access to the handicapped is required by chapter 1340 of the Minnesota State Building Code, at least one space per 50 spaces, or fraction thereof, shall be provided for the use of the handicapped. Each space reserved for the exclusive use of the handicapped shall be designated by an international wheelchair symbol. The number of accessibility parking spaces, each of which shall be designated by the international symbol of accessibility, shall comply with the Minnesota State Building Code.~~

### 2400.0530 ~~MINIMUM NUMBER OF~~ REQUIRED OFF-STREET PARKING SPACES.

The ~~minimum~~ number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.

Use	Number of <del>Minimum</del> <u>Required Off-Street</u> Parking Spaces Per Unit of Measure
A. Governmental	<del>One for every 300 square feet of useable floor area</del> <u>3.0 spaces per 1,000 square feet of gross leasable floor area.</u>
B. Residential	<del>Two</del> <u>1.5 spaces</u> for each dwelling unit.
Residential, one-family	
Two-family and townhouse	<del>Two</del> <u>1.5 spaces</u> for each dwelling unit.
Multiple family	<del>One</del> <u>1.0 space</u> for each dwelling unit.
<u>Bed and breakfast</u>	<u>2.0 spaces per two units.</u>
Housing for the elderly	<del>One</del> <u>1.0 space</u> for each four units. Should units revert to general occupancy, then one per unit shall be provided.
Boarding house	<del>One</del> <u>1.0 space</u> per each dwelling unit <del>plus one for each two roomers.</del>

C. Institutional

Auditoriums	<del>One</del> <u>1.0 space</u> for each three seats <del>plus one for each two employees.</del>
Churches or temples	<del>One for each three</del> <u>1.0 space for every five</u> seats or <del>six</del> <u>ten</u> feet of pews in the main unit or worship unit of worship.
Hospitals	<del>One and one-half</del> <u>1.0 space</u> for each one bed.
<del>Homes for the aged and convalescent homes</del>	<del>One for each two beds.</del>
Elementary <del>and junior high</del> schools	One for each one teacher, employee, or administrator, in addition to the requirements of the auditorium.
Senior high schools	<del>One for each one teacher, employee, or administrator, and one for each ten students, in addition to the requirements of the auditorium.</del>
Private clubs or lodge halls	One for each three persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes.
Private <del>tennis clubs, or other similar uses</del> athletic facility	<del>One for each two member families or individuals</del> <u>1.0 space per 200 square feet of gross leasable floor area.</u>
Theaters	<del>One for each five seats plus one for each two employees.</del>
Day care	<u>1.0 space per ten children.</u>
Post office	<u>1.0 space per 500 square feet of gross leasable floor area.</u>

D. Commercial

<del>Auditoriums</del> Theater	<del>One</del> <u>1.0 space</u> for each <del>three</del> <u>four</u> seats <del>plus one for each two employees.</del>
Planned commercial or shopping <del>area located in any "B" district areas</del>	<del>One</del> <u>1.0 space</u> for each <del>400</del> <u>250</u> square feet of <del>usable-gross</del> <u>leasable</u> floor area, <del>plus one for each one employee.</del>
Auto wash	<del>One for each one employee. In addition, 40 reservoir parking spaces shall be provided.</del>
Beauty parlor or barber shop	<del>Three spaces for each of the first two beauty or barber chairs, and one and one-half spaces for each additional chair</del> <u>1.0 space per 500 square feet of gross leasable floor area.</u>
Bowling alleys	<del>Five</del> <u>2.5 spaces</u> for each <del>one</del> bowling lane <del>plus 1.5 per table.</del>
Dance halls, pool or billiard parlors, roller or ice skating rinks, exhibition halls, and assembly halls without fixed seats	<del>One for each three persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes</del> <u>1.5 spaces per 500 square feet of gross leasable floor area.</u>

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Establishments for the sale and consumption on the premises of beverages, food, or refreshments	<del>One 1.5 spaces</del> for each <del>400 250</del> square feet of <del>usable gross leasable floor space area</del> .
<u>Establishments for the sale and consumption on the premises of beverages, food, and refreshments with a license for alcoholic beverage and a provision for entertainment</u>	<u>3.0 spaces per 500 square feet of gross leasable floor area.</u>
Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator electrician, or similar trade, shoe repair, and other similar uses	<del>One 1.0 space</del> for each <del>800 1,000</del> square feet of <del>usable gross leasable floor area. (For the floor area used in processing, space shall be provided for each one person employed therein.)</del>
Automobile service center	<del>Two</del> <u>1.0 space</u> for each lubrication stall, rack, or pit, and one for each gasoline pump.
Laundromats and coin-operated drycleaners	<del>One</del> <u>1.0 space</u> for each two machines.
Mortuary establishment	<del>One</del> <u>1.0 space</u> for each <del>50 100</del> square feet of assembly room usable floor space, parlors, and slumber rooms.
Motel, hotel, or other lodging establishment	<del>One</del> <u>1.0 space</u> for each one commercial occupancy unit.
<u>Convenience market</u>	<u>1.0 space per 250 square feet of gross leasable floor area.</u>
Motor vehicle sales and service establishments	<del>One</del> <u>1.0 space</u> for each <del>200 400</del> square feet of usable floor space of sales room and one for each one auto service stall in the service room.
Retail stores except as otherwise specified herein	<del>One</del> <u>1.5 spaces</u> for each <del>150 500</del> <u>gross leasable square feet of usable floor space area.</u>
<del>Theaters</del>	<del>One for each five seats plus one for each two employees.</del>
E. Offices	
Banks, savings and loan associations, credit unions, and similarly regulated financial institutions	<del>One</del> <u>1.0 space</u> for each <del>400 250</del> square feet of <del>usable gross leasable floor space area</del> .
<del>Other financial institutions such as loan companies and similar establishments</del>	<del>One for each 200 square feet of usable floor space.</del>
Business offices or professional offices except as indicated in the following item	<del>One</del> <u>1.5 spaces</u> for each <del>300 500</del> square feet of <del>usable gross leasable floor space area</del> .
Professional offices of doctors, dentists, or similar medical professions	<del>One</del> <u>1.0 space</u> for each <del>400 250</del> square feet of <del>usable gross leasable floor space area</del> .

**2400.0540 CONSTRUCTION OF OFF-STREET PARKING SPACES.**

Subpart 1. **Requirements.** Wherever the off-street parking requirements require the building of an off-street parking facility, such off-street parking lots ~~shall must~~ be laid out, constructed, and maintained in accordance with ~~the following rules: items A to O.~~

A. No parking lot ~~shall may~~ be constructed unless and until a zoning permit ~~therefor~~ is issued by the board and a building permit is obtained from the city. Applications for a zoning permit ~~shall must~~ be submitted in ~~such a form as may be~~ determined by the board and ~~shall be~~ accompanied by two sets of plans for the development and construction of the parking lot demonstrating that the provisions of ~~these rules this chapter~~ will be complied with fully.

[For text of items B to H, see M.R.]

I. Wheel stops ~~or earth berms shall be~~ are required for each parking space ~~located next to walkways, doors, slopes, or other places where pedestrians may need an extra measure of safety~~ in lots of three or more car capacity.

[For text of items J to L, see M.R.]

M. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it ~~shall be~~ is permissible to end the wall not more than ten feet from ~~such the~~ alley line in order to permit a wider means of access to the parking area.

N. The board, upon application ~~for a variance~~ by the property owner of the off-street parking area, may modify the yard or wall requirements where compliance with the requirements of this ~~section part~~ will cause undue hardship or otherwise impose an unreasonable burden on use of the property.

**O. Bicycle parking bonus:**

(1) a nonresidential use with land dedicated to parking may substitute bicycle parking for an amount up to ten percent of its off-street parking requirement;

(2) for the purpose of calculating a permitted substitution, two completely enclosed and secure bike lockers are the equivalent of one parking space and five spaces in a bike rack are also the equivalent of one parking space; and

(3) the bike parking facilities shall be at least as close to the main entrance of the primary use as the most convenient third of the automobile parking, and they should be anchored to prevent easy removal.

Subp. 2. [See repealer.]

**2400.0600 LOADING SPACE REQUIRED.**

On the same premises with every building, or structure, or part thereof, involving the receipt and distribution of vehicles or materials or merchandise, there ~~shall must~~ be provided and maintained on the zoning lot adequate space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated rights-of-way. ~~No~~ Off-street loading space ~~shall must~~ not be located in any yard adjoining any residential use. ~~Off-street loading areas with more than two spaces must be screened from the public right-of-way with landscape material, an obscuring fence, walls, or a combination of these.~~

**2400.0620 MINIMUM NUMBER OF LOADING SPACES.**

Every building for which adequate loading space is required ~~shall must~~ provide ~~such~~ spaces in the ~~number required herein following numbers:~~

Usable Floor Area (Square Feet)	Number of Loading Spaces Required
0 to <del>1400</del> 1,400	None
<del>1401</del> 1,401 to 20,000	One space
20,001 to 100,000	One space for each 20,000 square feet or fraction thereof
100,001 and over	Five spaces

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### 2400.0650 IN GENERAL.

Accessory buildings in all zoning districts except as otherwise provided in ~~these rules shall be~~ this chapter are subject to ~~the following rules parts 2400.0660 to 2400.0680.~~

### 2400.0680 HEIGHT LIMITATIONS.

Accessory buildings in any residential area shall not exceed one story or 14 feet in height. In height district #2, as described in part 2400.0420, accessory buildings or structures used for the parking of motor vehicles shall not exceed three stories or 30 feet in height.

### 2400.0700 VISUAL SCREENS REQUIRED.

For those ~~zoning districts and~~ uses listed below in items A to C, there ~~shall~~ must be provided and maintained on those sides of a zoning lot abutting or adjacent to a residential district an obscuring wall; or obscuring fence, or other visual screen having a minimum height as required below. For purposes of this part a wall or obscuring fence is considered a visual screen.

Use	Requirement (height in feet)
A. <del>Community business district (B-2)</del> <u>Any commercial or office use</u>	4 ft. 6 in.
B. <del>Office service district (OS-1)</del>	<del>4 ft. 6 in.</del>
<del>C.</del> Hospital (ambulance and delivery areas)	6 ft. 0 in.
<del>D.</del> <u>C.</u> Utility building, station, and/or substation	6 ft. 0 in.

Where plant materials are used to provide a visual screen they shall meet the ~~above~~ height requirements in items A to C when mature and ~~shall~~ must be of sufficient density to visually separate the zoning lot from the adjacent residential district.

### 2400.0710 VISUAL SCREENS FOR OFF-STREET PARKING.

For all off-street parking areas of more than four parking spaces there shall be provided and maintained a visual screen of sufficient height and density to visually separate the parking area from adjacent property. ~~All such~~ Visual screens shall be of a minimum height of four feet, six inches, when constructed or, in the case of plant materials, when mature.

Visual screens, whether constructed or planted, shall screen the lower half of vehicles parked along the outer edge of off-street parking areas but not obstruct visibility into the lot in general. This will be significant if a parking area is elevated or depressed in relation to neighboring public rights-of-way.

Throughout the area, the board seeks to maximize feasible development of landscaped setback areas, pedestrian walks and plazas, courtyards, and interrelated open spaces between buildings. The board has prepared a set of advisory guidelines entitled: "Parking Area Design Framework" (July 1991) and "On Grade Parking in the Capitol Area: Parking Area Design Framework" (January 1993), including graphic representations of suggested application of these controls. They are incorporated by reference and are available at the board's office and at the state law library. Any new construction must comply with these documents. They are not subject to frequent change. A minimum of 60 percent of front setback areas along streets or rights-of-way shall consist of planted materials including turfgrass, and a minimum of 40 percent of these planted areas shall consist of shrubs or trees. Planting areas shall be separated from vehicular surfaces by either curbing or by wheel stops.

### 2400.0720 LOCATION OF VISUAL SCREENS.

Required visual screens ~~shall~~ must be located on the lot line except where underground utilities interfere and except in instances where ~~these rules require this chapter requires~~ conformance with front yard setback lines in abutting residential districts, in which cases the board shall establish the location of the visual screen. When a yard is required, all land between the wall and property line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material, and ornamental trees. The ground ~~shall~~ must be planted and kept in lawn. ~~All such~~ Landscaping and planting ~~shall~~ must be maintained in a healthy, growing condition, neat and orderly in appearance.

Required visual screens may, upon approval of the board, be located on the opposite side of an alley right-of-way from a nonresidential zone when mutually agreeable to affected property owners. The uniformity of the required visual screen in a given block ~~shall~~ must be considered by the board in reviewing ~~such~~ the request.

### 2400.0730 OPENINGS.

No visual screen required by ~~these rules this chapter~~ shall have openings for pedestrians, vehicular traffic, or other ~~such~~ purposes, except as provided in ~~these rules this chapter~~ and as may be approved by the board.

**2400.0740 CONSTRUCTION OF VISUAL SCREENS.**

Subpart 1. **Materials.** The visual screens ~~herein~~ required by this part shall consist either of various fence materials, earth berms, plant materials, or a combination ~~thereof of these materials~~.

~~All~~ Walls and fences ~~herein~~ required ~~shall~~ by this part must be constructed of materials which are durable, weather resistant, rust-proof, ~~obscuring~~, and easily maintained.

Subp. 2. **Masonry walls.** Masonry walls ~~shall~~ must be erected on a concrete or cement block foundation which ~~shall~~ must have a ~~minimum~~ foundation of ~~42 inches below grade depth that meets the state building code~~, and ~~shall~~ must not be of less width than the width of the wall.

Subp. 3. **Decorations.** Walls or fences may be constructed with decorative openings above grade, provided ~~such the~~ openings are not larger than 72 square inches each and do not comprise more than one-third of the total area of the wall or fence.

Subp. 4. **Plants.** The species, size, location, and spacing of plant materials ~~shall~~ must be appropriate for the purpose intended, and ~~shall~~ must be planted within 180 days from the date of issuance of a certificate of occupancy and ~~shall~~ must thereafter be maintained to provide a visual screen to abutting properties.

At the time of planting minimum plant sizes ~~at time of planting are as follows~~: medium and large trees; ~~shall~~ must be balled and burlapped stock, 2-1/2 inch caliper; small trees; ~~must be~~ must be six to eight feet overall height; and shrubs ; intended to accomplish the actual screening must be 15 to 18 inches overall height.

Wherever plant materials are used to satisfy a visual screen requirement, planting ~~shall~~ must be sufficiently dense to provide an unbroken visual barrier within a maximum of two growing seasons after the time of planting.

Planting areas ~~shall on the periphery of the lots~~ must be at least ~~four~~ six feet in width.

The genus and species of all plant materials must be identified on all plans submitted for permit approval.

The owners ~~shall be~~ are responsible for maintaining all landscaping in a healthy and growing condition and keeping it free from refuse and debris. Dead plant materials ~~shall~~ must be removed within a reasonable time and replaced during the normal planting seasons.

For parking lots larger than 150 spaces, front yard setback with landscaping must be ten feet. For parking lots of 50 or more spaces, there must be a minimum of 150 square feet of landscape islands, none of which shall be smaller than 300 square feet, for every 25 parking spaces.

**2400.0800 EXTERIOR LIGHTING.**

The board has established a set of guidelines, "Lighting Design Framework, (August 1991)" for all exterior lighting in the capitol area relating to off-street parking areas, building facades, and other sites. The guidelines are incorporated by reference and are available at the state law library. Any new construction must comply with these documents. They are not subject to frequent change.

~~All~~ Outdoor lighting used to light the general area of a specific site ~~shall~~ must be shielded to reduce glare and ~~shall~~ must be ~~so~~ arranged ~~as~~ to reflect lights away from all adjacent residential districts or adjacent residences.

~~All~~ Outdoor lighting ~~shall~~ must be directed toward and confined to the ground areas of lawns and parking lots.

~~All~~ Lighting in nonresidential districts used for the external illumination of buildings ~~shall~~ must be ~~so~~ placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

Illumination of signs ~~shall~~ must be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

~~All~~ Illumination of signs and any other outdoor feature ~~shall~~ must not be of a flashing, moving, or intermittent type. Artificial light ~~shall~~ must be maintained stationary and constant in intensity and color at all times when in use.

**2400.0810 ENTRANCEWAYS.**

In ~~all~~ residential districts, so-called entranceway structures, including, but not limited to, walls, columns, and gates, marking entrances to one-family subdivisions or multiple housing projects ~~may be~~ are permitted and may be located in a required yard, except as provided in part 2400.0820.

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## Proposed Rules

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### 2400.0820 CORNER CLEARANCE.

No fence, wall, shrubbery, sign, or other obstruction to vision above a height of two feet from the established street grades ~~shall be is~~ permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between ~~said~~ the right-of-way lines at a distance along each line equal to the minimum setback lines from their point of intersection.

### 2400.0830 STREET AND LANDSCAPE ELEMENTS.

~~All~~ Exterior structural elements such as benches, transit shelters, vending equipment, and similar elements in the public right-of-way or in the G-2 zone, ~~shall must~~ be approved by the board for both design and location.

### 2400.0860 SIGNS; REQUIRED CONDITIONS.

No sign ~~shall be is~~ permitted in the capitol area except as provided in part 2400.0870 and without first obtaining the requisite permit for ~~such the~~ sign. ~~All~~ Signs permitted by part 2400.0870 ~~shall must~~ satisfy the ~~following~~ conditions: in items A to M.

A. All signs ~~shall must~~ conform to all applicable provisions of the building code of the city of Saint Paul as well as the structural design standards of the State Building Code in chapters 1300 to 1370.

B. No sign, unless specifically permitted in a zoning district and except those projecting business signs permitted in business districts that do not violate *Minnesota Statutes*, section 160.27, and those established by the city of Saint Paul, Ramsey County, the state of Minnesota, or the United States, ~~shall may~~ be located in, project into, or overhang a public right-of-way or dedicated public easement in any district.

C. Signs of the city of Saint Paul, ~~county of~~ Ramsey County, state, and federal governments and subdivisions and agencies thereof which give orientation, direction, or traffic control information ~~shall be are~~ permitted in all zoning districts.

D. No ground signs ~~shall may~~ be higher than 15 feet in any district. Revolving freestanding signs are permitted but may not be illuminated with flashing lights or exceed six revolutions per minute.

[For text of items E to G, see M.R.]

H. ~~All~~ Signs which are unsafe ~~and/or~~ unsightly ~~shall must~~ be repaired or removed. Unsafe signs must be repaired or removed within 24 hours after notification. Unsightly signs must be repaired or removed within 15 days ~~of~~ after notification. The term "unsightly" ~~shall mean means~~ a condition in which the sign has deteriorated to the point where at least one-fourth of the surface area of the name, identification, description, display, illustration, or other symbol is no longer clearly recognizable at a distance of 20 feet; ~~or~~ where paint is peeling, chipping, or flaking from the structure surface; ~~or~~ where the sign has developed significant rust, corrosion, rotting, or other deterioration in the physical appearance, or is so faded that it is not clearly recognizable at a distance of 20 feet; or where an illuminated electrical sign is no longer in proper working order.

Removal, in the case of painted wall signs, ~~shall mean means~~ a complete repainting of the background on which the sign was painted, or a sandblasting of the surface to reveal an exterior finish compatible with surrounding surfaces, so that no part of the sign is any longer visible.

[For text of items I to K, see M.R.]

L. For parking lot areas, one identification sign not to exceed a total of 15 square feet in area is permitted per parking lot entrance. An identification sign up to 25 square feet in area, however, ~~shall be is~~ permitted if ~~such the~~ sign incorporates the following uniform parking symbol: 50 percent of the total sign area of the parking identification sign must bear ~~thereon~~ a blue rectangle with a white letter "P" with the letter "P" being not less than 40 percent of the area of the blue rectangle.

The remaining portion of the sign incorporating ~~such a the~~ parking symbol may be used for other pertinent information. In addition to the one identification sign per parking lot entrance, however, one directional sign not to exceed a total of four square feet is permitted per entrance or exit. ~~Such~~ Directional signs may be up to ten square feet in area if they also incorporate the ~~above pre-~~scribed parking symbol "P". These parking identification and directional signs are in addition to other signs permitted in each zoning district.

M. Temporary signs must meet the following criteria:

(1) for all uses, one sign not exceeding 40 square feet in area identifying an engineer, architect, or contractors engaged in the construction of a building;

(2) for religious, civic, or other centers, portable and/or temporary signs directly related to events on the premises are permitted so long as they are not flashing, in the public right-of-way, obstructing vision at an intersection, or used more than three times per calendar year; and

(3) balloons and other inflatables with a commercial message of any kind shall not be considered a permitted temporary sign and are prohibited in the capitol area.

**2400.0870 CHART OF PERMITTED SIGNS.**

In addition to the ~~mentioned parking identification and directional~~ signs described in part 2400.0860, the following signs are permitted in the districts indicated on the following chart.

Permitted by District	Use District				
	RM-2 Multiple Family	OS-1 Office Service	B-2 Community Business	PD Planned Develop- ment	G-1 & G-2 Govern- mental
<b>1. Permitted</b>					
nonaccessory signs					
a. Advertising sign	0	0	0	0	0
b. Billboard	0	0	0	0	0
c. Vehicle business sign	0	0	0	0	0
d. Political sign	X	X	X	X	0
<b>2. Permitted accessory signs</b>					
a. Business signs	0	1 50	1 100	1 200	0
b. Bulletin board	1 12	0	0	0	1 12
c. Festoon sign	0	0	0	0	0
d. Identification & name plate	1 7	1 21	1 21	1 21	1 21
e. Marquee	0	0	2 100	0	0
f. Real estate	2 12	2 12	2 12	2 12	0
g. Real estate development	2 50	2 50	0	2 50	0
h. Temporary	0	1 12	1 12	1 12	0
i. Vehicle business sign	0	0	0	0	0
<b>3. Structure types</b>					
a. Free standing	X	X	X	X	X
b. Flashing, animated or moving	0	0	0	0	0
c. Projecting	0	X	X	X	0
d. Roof	0	0	0	0	0
e. Wall	X	X	X	X	X

1 Maximum number of signs per building or per vacant zoning lot.  
 12 Maximum square feet area each sign per building or vacant zoning lot.

Note: "0" indicates that no sign of the type in the left column is permitted.  
 "X" indicates permitted structure type.

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# Proposed Rules

Regulated Signs by District	Use District		
	G-1/G-2 Govern- mental	RM-2 Multiple Family	MX Mixed Use
<b>1. Nonaccessory signs</b>			
a. Advertising sign	0	0	0
b. Billboard	0	0	0
c. Bus shelter/ bench sign	0	0	0
d. Political sign	0	X	X
<b>2. Accessory signs</b>			
a. Announcement	20	0	20
b. Business signs	0	0	100
c. Canopy	0	0	100
d. Directional	25	0	15
e. Identification & name plate	21	7	50
f. Marquee	0	0	100
g. Real estate	0	12	25
h. Real estate development	0	50	50
i. Temporary	0	0	12
j. Window	0	6	20
<b>3. Structure types</b>			
a. Flashing, animated, or moving	0	0	0
b. Freestanding	X	X	X
c. Ground	X	X	X
d. Illuminated	X	X	X
e. Projecting	0	0	X
f. Pylon	0	0	X
g. Roof	0	0	0
h. Vehicle or portable sign	0	X	X
i. Wall	X	X	X

A number represents the total surface square footage permitted.

“X” means permitted.

“0” means not permitted.

## 2400.0880 NONCONFORMING SIGNS.

When a lawful sign exists on the effective date of these rules or amendments thereto and which is made nonconforming by reason of these rules, such sign may continue until January 1, 1986, as long as ~~it remains~~ they remain otherwise safe, not unsightly as defined in part 2400.0860, item H, or not abandoned as defined in part 2400.0920, subject to the ~~following~~ provisions in items A to E.

A. No sign ~~shall~~ may be enlarged or altered in a way which increases its nonconformity.

B. ~~Should such~~ If a sign or sign structure ~~be~~ is destroyed by any means to any extent of more than 51 percent of its replacement cost, it ~~shall~~ must not be reconstructed except in conformity with ~~the provisions of these rules~~ this chapter.

C. ~~Should such~~ If a sign or sign structure ~~be is~~ moved for any reason for any distance whatsoever, it ~~shall thereafter~~ must conform to the rules for the zoning district in which it is located after it is moved.

D. No existing sign devoted to a use not permitted by ~~these rules this chapter~~ in the zoning district in which it is located shall be enlarged, extended, or moved except in changing the sign to a sign permitted in the zoning district in which it is located.

E. When a structure loses its nonconforming status, ~~as set forth in~~ under parts 2400.1050 to 2400.1110, all signs devoted to the structure ~~shall must~~ be removed and all signs painted directly on the structure ~~shall must~~ be repainted in a neutral color or a color which will harmonize with the structure.

F. Signs may be repainted, reposted, or replaced when there is a change of tenancy, ownership, or management of any non-conforming use.

#### **2400.0890 ADMINISTRATION AND ENFORCEMENT.**

In the administration and enforcement of the sign rules contained in this chapter the board shall designate a zoning administrator who is ~~hereby~~ authorized and directed to enforce all the provisions of ~~these sign rules parts 2400.0850 to 2400.0930.~~

The zoning administrator shall enforce ~~the provisions of these sign rules and amendments thereto~~ parts 2400.0850 to 2400.0930 and shall have the power to certify compliance and issue sign permits, and to make inspections of buildings or premises necessary to carry out duties in the enforcement of ~~these sign rules parts 2400.0850 to 2400.0930.~~

No permit ~~shall may~~ be issued by the zoning administrator until the administrator has reviewed all plans in detail and found them to conform to ~~these rules parts 2400.0850 to 2400.0930.~~

The zoning administrator ~~shall may~~ not grant any variances with respect to these rules in carrying out ~~his or her~~ the duties ~~as of~~ zoning administrator. Variances shall be granted by the board. The zoning administrator shall grant a permit upon a finding of compliance with the conditions imposed by ~~these rules this chapter.~~

#### **2400.0910 EXEMPTIONS.**

The ~~following~~ signs ~~shall in items A to D do~~ not require a permit. These exemptions ~~shall must~~ not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provisions of ~~these rules this chapter~~ or any other law or ordinance regulating the ~~same: sign.~~

A. Signs six square feet or less in size~~;~~.

B. Lettering on motor vehicles when not utilized as a parked or stationary outdoor display sign~~;~~.

C. Political signs~~;~~ ~~or.~~

D. The changing of the display surface on a painted or printed sign only: ~~However, except this exemption shall apply~~ applies only to on-site changes involving sign repainting and/or poster replacement.

#### **2400.0930 VARIANCES.**

The board ~~shall have the authority to~~ may grant variances from the strict applications of ~~these rules this chapter~~ for unique signs or unusual conditions pertaining to sign needs for a specific building or lot pursuant to ~~the provisions of~~ parts 2400.1500 to 2400.1530.

#### **2400.0950 SCOPE.**

Except as ~~otherwise~~ provided in parts 2400.0850 to 2400.0930, the rules for all zoning districts, except the governmental district, ~~shall be~~ are subject to the interpretations and exceptions in parts 2400.0960 to 2400.1020.

#### **2400.0960 ESSENTIAL SERVICES.**

Essential services ~~shall be~~ are permitted as authorized and regulated by law and rule. Essential services are exempt from the application of ~~these rules this chapter.~~

#### **2400.0970 VOTING PLACES.**

The provisions of ~~these rules this chapter~~ shall not be ~~so~~ construed as to interfere with the temporary use of any property as a voting place in connection with a public election.

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### 2400.0980 EXISTING LOTS.

Any ~~A~~ lot existing and of record on the effective date of ~~these rules~~ the applicable rule or amendment, whichever is later, may be used for any principal use permitted in the district in which the lot is located, other than conditional uses for which special lot area requirements are specified in ~~these rules this chapter~~, permitted in the district in which such lot is located whether or not ~~such the~~ lot complies with the lot area requirements of ~~these rules this chapter~~, provided that all other requirements prescribed in ~~these rules this chapter~~ are complied with; and provided that not more than one dwelling unit ~~shall occupy~~ occupies any lot except in conformance with the provisions of ~~these rules this chapter~~ for required lot area for each additional dwelling unit.

### 2400.0990 AREA OF LOTS ABUTTING STREETS AND ALLEYS.

In calculating the area of a lot that adjoins a dedicated public alley or lane, for the purpose of applying lot area requirements of ~~these rules this chapter~~, one-half the width of ~~such an~~ an alley or lane abutting the lot shall be considered as part of ~~such the~~ the lot.

### 2400.1050 IN GENERAL.

~~There exist within the districts established by these rules and subsequent amendments, lots, structures, and uses of land and structures which were lawful before these rules were passed or amended, which would be prohibited, regulated, or restricted under the terms of these rules or future amendments.~~

~~Such uses are declared by these rules to be Nonconforming buildings, structures, including but not limited to signs, and uses incompatible with permitted uses in the districts involved. Nonconformities shall in which they are located must not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after the effective date of adoption of these rules by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited in the district involved.~~

To avoid hardship, nothing in ~~these rules shall this chapter may~~ shall this chapter be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of ~~adoption or amendment of these rules the applicable rule or amendment, whichever is later~~, and upon which actual building construction has been diligently carried on. "Actual construction" ~~is hereby defined to include the~~ includes placing of construction materials in permanent position and ~~fastened~~ fastening them in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, ~~such the~~ the demolition or removal shall be ~~deemed considered~~ deemed to be actual construction, provided that work ~~shall be~~ is diligently carried on until completion of the building involved.

### 2400.1060 NONCONFORMING LOTS.

In ~~any a~~ a district in which one-family dwellings are permitted, notwithstanding limitations imposed by ~~other provisions of these rules this chapter~~, a one-family dwelling and customary accessory buildings may be erected on any single lot of record ~~at prior to~~ at the effective date of ~~adoption or amendment of these rules the applicable rule or amendment, whichever is later~~. This provision ~~shall apply applies~~ applies even though ~~such the~~ the lot fails to meet the requirements for area or width, or both, that are applicable in the districts, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the rules for the district in which such lot is located. Yard requirement variances may be obtained through approval of the board.

If three or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record ~~on~~ on prior to the effective date of ~~these rules or amendments thereto the applicable rule or amendment, whichever is later~~, and if all or part of the lots do not meet the requirements for lot width and area as established by ~~these rules this chapter~~, the lands involved shall be considered to be an undivided parcel for the purpose of ~~these rules this chapter~~, and no portion of ~~said the~~ the parcel ~~shall may~~ may be used or occupied which does not meet lot width and area requirements established by ~~these rules this chapter~~, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in ~~these rules this chapter~~.

### 2400.1070 NONCONFORMING USE OF LAND WITHOUT STRUCTURES, OF STRUCTURES, OR OF STRUCTURES AND LAND.

Where, ~~at prior to~~ at the effective date of ~~adoption or amendment of this ordinance the applicable rule or amendment, whichever is later~~, lawful use of land ~~exists or of structure and land in combination existed~~ exists or of structure and land in combination existed that is made no longer permissible under the terms of this ~~ordinance as enacted or amended such chapter~~ ordinance as enacted or amended such chapter the use may be continued, so long as it remains otherwise lawful, subject to the following provisions ~~in items A to D~~.

A. ~~No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.~~

B. ~~No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of these rules.~~

C. ~~If such~~ nonconforming use of land ceases for any reason for a period of three months or more, any subsequent use of such land shall conform to the ~~rules specified by this ordinance parts of this chapter that apply~~ for the district in which ~~such~~ the land is located.

B. ~~If a nonconforming use of structure and land in combination is discontinued or ceases to exist for 12 consecutive months or for 18 months during a three-year period, the structure or structure and land in combination shall thereafter be used in conformance with the rules of the district in which it is located. Structures occupied by seasonal uses are exempted from this item.~~

C. ~~If a nonconforming structure is destroyed by any means to an extent of more than 60 percent of its replacement cost, exclusive of the foundation at the time of destruction, it may not be reconstructed except in conformity with this chapter.~~

D. ~~If a structure is moved for any reason, for any distance whatever, it shall conform to the rules for the district in which it is located after it is moved.~~

#### **2400.1100 REPAIR AND MAINTENANCE.**

On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing to an extent not exceeding 50 percent of the current market value of the building, provided that the cubic content of the building as it existed at the time of ~~passage or amendment of these rules shall not be~~ the effective date of this chapter or amendments is not increased.

Nothing in ~~these rules this chapter~~ shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part ~~thereof~~ of a building declared to be unsafe by any official charged with protecting the public safety upon order of ~~such~~ the official.

#### **2400.1110 CHANGE OF TENANCY OR OWNERSHIP.**

There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures, and premises, provided there is no change in the nature or character of ~~such~~ nonconforming uses.

#### **2400.1150 VISUAL CORRIDORS.**

Subpart 1. **Designation.** That part of University Avenue and adjacent land, Aurora Street and adjacent land, Cedar Street and adjacent land, John Ireland Boulevard and adjacent land, ~~Park~~ Constitution Avenue and adjacent land, Sherburne Avenue and adjacent land, and Rice Street and adjacent land, ~~as well as that area along the less defined viewshed keyed to the central axis that stretches down to Seven Corners and eventually the south bank of the High Bridge~~ as identified on the ~~attached~~ map ~~entitled "Visual Corridors" in subpart 2a~~ are ~~hereby~~ designated as visual corridors in the capitol area.

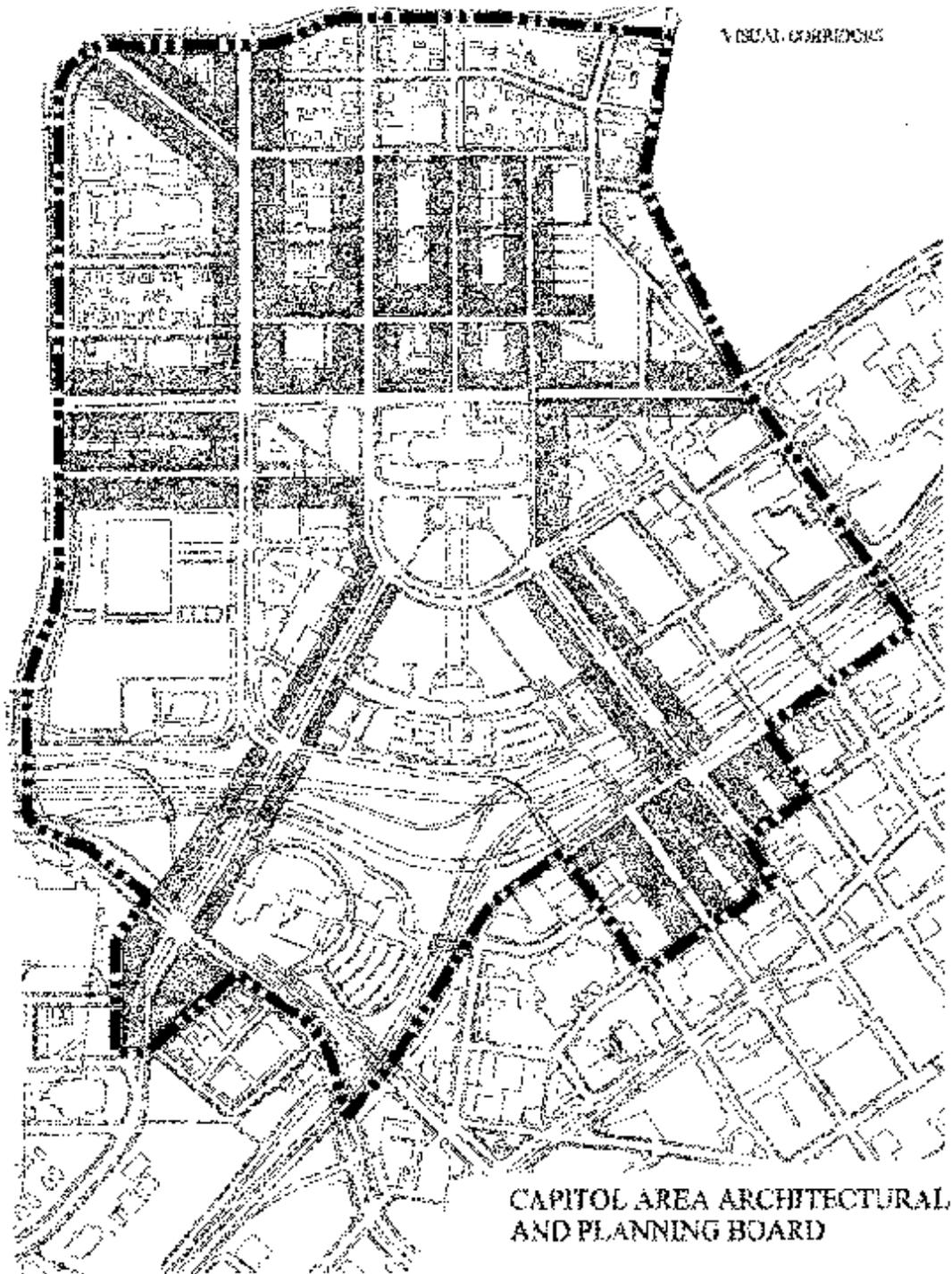
Subp. 2. [See repealer.]

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### Subp. 2a. Map.



#### **2400.1170 BUILDING HEIGHT.**

Buildings other than those in the G-2 zone shall be of a minimum height of two stories above grade, and a maximum height of elevation 944 feet as defined in part 2400.0420, unless otherwise restricted.

Land in the G-2 zone adjacent to visual corridors shall remain landscaped open space. Underground construction, as defined in part 2400.0200, is permitted as a conditional use provided it does not interrupt views and vistas from street level.

**2400.1180 SETBACK.**

Buildings in the visual corridors ~~shall must~~ be sited close to the streets. Specifically facades facing the corridor shall be located in a setback zone, defined by lines six feet and 15 feet from the front property line, except as ~~noted below:~~ described in items A to C.

A. Where a new building is adjacent to existing buildings, these buildings shall maintain the average setback alignment of existing buildings on the same block.

B. State buildings along Cedar Street and John Ireland Boulevard shall be set back a distance no more than 40 feet from the front property line in order to ~~visually expand the open space corridor~~ maintain and reinforce the critically important visual corridor to the capitol.

C. Residential buildings in the RM-2 zone ~~shall must~~ conform to the setbacks for that zone, as found in part 2400.0410.

**2400.1230 MECHANICAL AND ELECTRICAL EQUIPMENT.**

All mechanical and electrical equipment, such as transformers, air conditioning and heating units, television and other antennae, and similar exposed mechanical and electrical elements ~~shall be completely concealed from public view.~~ “Concealed from public view” is defined as not must not be visible from any point within the visual corridor at ground level to an elevation equal to the roof level.

**2400.1240 ADDITIONAL DESIGN CRITERIA.**

Subpart 1. **In general.** In order to further achieve harmony of design, visual compatibility, and protect and enhance the dignity, beauty, and architectural integrity of the capitol area, the ~~following additional~~ requirements ~~shall in subparts 2 to 12 must~~ be applied to construction, reconstruction, repair, or alteration activities subject to this chapter. In the event that any of the ~~following~~ requirements ~~conflicts conflict or is are~~ inconsistent with the design requirements ~~set forth~~ in parts 2400.1170 to 2400.1230, those contained in parts 2400.1170 to 2400.1230 ~~shall~~ supersede and govern in all cases.

Subp. 2. **Continuity of walls.** Appurtenances of a building such as building facades, fences, and landscape masses, ~~shall must~~ visually contribute to the spatial definition of the visual corridor and form cohesive walls of enclosure along those streets designated visual corridors to ensure visual continuity of the building with those buildings, squares, and places ~~conforming with these design rules that conform to this chapter and~~ to which ~~it the building~~ is visually related.

Subp. 3. **Proportion and dimension of building's front facade.** The relationship of the width of building to height of the front elevation ~~shall must~~ be visually compatible to those buildings, squares, and places ~~conforming with these design rules that conform to this chapter and~~ to which ~~it the building~~ is visually related.

Subp. 4. **Proportion of openings within the facility.** The relationship of the width of the windows to height of windows in a building ~~shall must~~ be visually compatible with those buildings, squares, and places ~~conforming with these design rules that conform to this chapter and~~ to which the building is visually related.

Subp. 5. **Rhythm of solids to voids in front facades.** The relationship of solids to voids in the front facade of a building ~~shall must~~ be visually compatible with those buildings, squares, and places ~~conforming with these design rules that conform to this chapter and~~ to which ~~it the building~~ is visually related.

Subp. 6. **Rhythm of spacing of buildings on streets.** The relationship of a building to the open space between it and adjoining buildings ~~shall must~~ be visually compatible to those buildings, squares, and places ~~conforming with these design rules that conform to this chapter and~~ to which ~~it the building~~ is visually related.

Subp. 7. **Rhythm of entrance and porch projection.** The relationship of entrances and porch projections to sidewalks of a building ~~shall must~~ be visually compatible to those buildings, squares, and places ~~conforming with these design rules that conform to this chapter and~~ to which ~~it the building~~ is visually related.

Subp. 8. **Relationship of materials, texture, and color.** The relationship of the materials, texture, and color of the facade of a building ~~shall must~~ be visually compatible with the predominant materials used in those buildings ~~conforming with these design rules that conform to this chapter and~~ to which ~~it the building~~ is visually related. Masonry, concrete, and glass materials are generally appropriate.

Subp. 9. **Roof shapes.** The roof shape of a building ~~shall must~~ be visually compatible with those buildings ~~conforming with these design rules that conform to this chapter and~~ to which ~~it the building~~ is visually related.

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Subp. 10. **Scale of building.** The size of a building, the building mass of a building in relation to open spaces, the windows, door openings, porches, and balconies ~~shall must~~ be visually compatible with those buildings, squares, and places ~~conforming with these design rules that conform to this chapter and to which # the building~~ is visually related.

Subp. 11. **Front elevation.** The place and orientation of the front elevation of a building, including the shape and composition of its architectural elements ~~shall must~~ be visually compatible with those buildings, squares, and places ~~conforming with these design rules that conform to this chapter and to which # the building~~ is visually related.

Subp. 12. **Landscape design.** All the elements of the landscape design of a building, such as planted areas, plant materials, grading, and pedestrian walks and areas, ~~shall must~~ be visually compatible with the corresponding elements of those buildings, squares, and places ~~conforming with these design rules that conform to this chapter and to which # the building~~ is visually related.

### 2400.1250 VARIANCES.

The board shall ~~have the authority to~~ grant variances from the strict application of ~~these rules parts 2400.1150 to 2400.1240 pursuant to the provisions of part 2400.1530, subpart 2.~~

### 2400.1300 DUTIES OF BOARD.

The board shall accept applications for, and issue, any certificate or permit which is required by ~~these rules this chapter~~, keep and maintain all plans, files, and records pertaining ~~thereto to them~~, and perform all other functions necessary for the orderly administration of ~~these rules this chapter~~. The board may delegate any or all of these duties ~~to any subcommittee or authorized representative with the exception of approval for either variances or conditional use permits. Said subcommittee or authorized representative shall be known as the board's zoning administrator.~~

### 2400.1310 ZONING PERMIT REQUIREMENT.

Except as otherwise provided in parts ~~2400.0270 to 2400.0310 and parts 2400.0850 to 2400.0930~~, no land, building, or structure, in any district ~~shall hereafter may~~ be changed to a different use, and no building, structure, or any part ~~thereof shall hereafter may~~ be erected, constructed, reconstructed, altered, enlarged, or moved until the board has issued a zoning permit, certifying that the plans and intended use including any conditional use of land, buildings, and structures are in conformity with all provisions of ~~these rules this chapter~~.

### 2400.1320 ZONING PERMIT; APPLICATION.

**Subpart 1. Information in application.** Except as otherwise provided in parts ~~2400.0270 to 2400.0310 and parts 2400.0850 to 2400.0930~~, all applications for zoning permits ~~shall must~~ be submitted in writing to the zoning administrator and ~~shall~~ contain the following information:

[For text of items A to D, see M.R.]

~~E. elevations and landscape plans to complement the site plans referenced in item D, all of which are developed by design professionals; and~~

~~E. F. such other information as may be reasonably necessary to permit the board to determine whether the proposed use, including accessory and conditional uses, satisfies the requirements of these rules this chapter. This includes, but is not limited to, floor plans, elevations, and landscape plans or schemes.~~

Nothing ~~herein in this part~~ shall be construed to prohibit an applicant from presenting such additional information, in such form as the board may permit, which is relevant to the nature of the proposed use and its relation to and effect upon adjacent uses and the beauty, dignity, and architectural integrity of the capitol area.

**Subp. 2. Finding of similar use.** ~~When a specific use is not listed in a district, the zoning administrator shall make the determination of whether a use is similar to other uses permitted in each district. The decision shall be based on the following findings:~~

- ~~A. that the use is similar in character to one or more of the principal uses permitted;~~
- ~~B. that the traffic generated on such use is similar to one or more of the principal uses permitted; and~~
- ~~C. that the use is not first permitted in a less restrictive zoning district.~~

**Subp. 3. Determination of legal conformation.** ~~The zoning administrator shall determine whether lots, structures, or uses are legally conforming.~~

### 2400.1330 CONSIDERATION OF SITE PLAN.

In reviewing the site plan the board shall consider:

A. the location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic;

B. the traffic circulation features within the site and location of automobile parking areas, and may make ~~such~~ the requirements with respect to any matters as will ~~assure~~ ensure:

(1) safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets; and

(2) satisfactory and harmonious relations between the development on the site and the existing and prospective development of abutting land and adjacent neighborhoods; ~~and~~

C. the arrangement of buildings, uses, and facilities of the proposed development in order to ~~assure~~ ensure abutting property and/or its occupants will not be reasonably affected; and

D. the extent, location, and the level of increased activity anticipated for the use will be compatible with the capitol area comprehensive plan and any applicable subarea plans which were approved by the board.

#### **2400.1340 ADDITIONAL SITE REQUIREMENTS.**

In conjunction with approving the site plan, the board may require ~~the following that:~~

A. landscaping, fences, and walls in ~~pursuance of the objectives of these rules and same shall~~ accordance with this chapter must be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant; and

B. marginal access drives be provided where ~~such marginal access drives~~ they are necessary for safety.

#### **2400.1360 CERTIFICATE OF DESIGN COMPLIANCE; APPLICATION.**

In addition to the requirements for a zoning permit, all applications for a certificate of design compliance shall be submitted in writing and shall include three copies of the following:

A. plans, sections, and all elevations of the proposed structure drawn to scale, showing the overall dimensions of the exterior faces of the structure, the proposed type and location of any sign or other appurtenances such as overhangs, housing for utilities, and television or radio antennas, and also showing in outline form other adjacent buildings and structures, and landscape features within a reasonable distance that will be seen when looking at any of the elevations of the structure;

B. the final construction drawings as approved by the city including changes to the design, if any, since the zoning permit was issued;

C. landscape plans or schemes and site plans prepared by a design professional, including any landscaping required for off-street parking; and

~~C. D.~~ such other information as may be reasonably necessary to permit the board to determine whether the proposed construction or reconstruction satisfies the requirements of these rules.

#### **2400.1370 CONSIDERATION OF APPLICATIONS.**

~~Applications in the form prescribed in part 2400.1320 and part 2400.1360 shall be submitted to the zoning administrator and shall be considered and acted upon not later than 75 days following submission of the application; provided, however, that the board may in order to permit additional study of a proposal, postpone approval or denial of an application for an additional 45 days where it finds that the proposed use may significantly affect the beauty, dignity, and architectural integrity of the capitol area.~~

Subpart 1. Submittal of application. Applications in the form prescribed in part 2400.1320 and 2400.1360 must be submitted to the zoning administrator. The zoning administrator shall determine whether all the information required by these rules has been provided. The zoning administrator shall notify the applicant in writing within ten days of receipt of the application if the application is incomplete and state what information is missing.

Subp. 2. Timing. Once the application is complete, the application must be approved or denied within 60 days of receipt of the complete application, except as described in items A to C.

A. The zoning administrator may provide written notice to the applicant that the time is being extended, the anticipated length of the extension, and the reasons for the extension. The extension may not exceed 60 days unless approved by the applicant.

B. If the application is for a certificate of design compliance under part 2400.1360, the time limit is automatically extended by 60 days to provide additional time to study the effect of the proposal on the beauty, dignity, and architectural integrity of the capitol area.

<p><b>KEY: PROPOSED RULES SECTION</b> — <u>Underlining</u> indicates additions to existing rule language. <del>Strike outs</del> indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” <b>ADOPTED RULES SECTION</b> — <u>Underlining</u> indicates additions to proposed rule language. <del>Strike outs</del> indicate deletions from proposed rule language.</p>
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## Proposed Rules

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C. If the application is for a variance under part 2400.1510, the time limit is automatically extended by 60 days to provide additional time to solicit the necessary public input on the proposal.

Subp. 3. **Approval or Denial.** Applications ~~shall~~ must be approved if they meet all applicable requirements of ~~these rules this~~ chapter. If the application is denied, reasons for the denial must be stated in writing as required by *Minnesota Statutes*, section 15.99.

### **2400.1380 BUILDING PERMITS REQUIRED.**

No building structure, or part ~~thereof~~ of a building structure, ~~shall hereafter~~ may be erected, constructed, reconstructed, altered, enlarged, or moved until it also has been issued, in addition to a zoning permit and certificate of design compliance issued by the board or the zoning administrator, a building permit by the city of Saint Paul, certifying that the plans of the building or structure are in conformity with all provisions of the city of Saint Paul Minnesota State Building Code.

### **2400.1400 SAINT PAUL CERTIFICATE OF OCCUPANCY.**

No building, structure, or part thereof in any district which is ~~hereafter~~ erected, constructed, reconstructed, altered, enlarged, or moved ~~shall~~ may be occupied or used unless it ~~also~~ has been issued, in addition to a certificate of occupancy issued by the board, a certificate of occupancy, if appropriate and applicable, by the city of Saint Paul; certifying that ~~such~~ the building or structure is in conformity with the provisions of the applicable building code.

### **2400.1430 FEES.**

Fees for inspection and the issuance of permits ~~or~~, certificates ~~or~~, copies ~~thereof~~, required or issued under ~~the provisions of these rules this chapter~~, shall be collected by the zoning administrator in advance of issuance. The amount of ~~such~~ the fees shall be established by resolution of the board and shall cover the cost of notification, inspection, and supervision resulting from enforcement of ~~these rules this chapter~~.

When any fees are not paid within six months of authorization of any permit or certificate, ~~said~~ the authorization ~~shall be~~ is null and void.

### **2400.1440 CHANGES AND AMENDMENTS.**

Any person or entity wanting to petition for rezoning must follow the procedures for petition for adoption of a rule in the Administrative Procedure Act, *Minnesota Statutes*, chapter 14.

### **2400.1460 COMMEMORATIVE WORKS.**

All commemorative works for the capitol area must meet the following objectives: to preserve the integrity of the capitol area; to ensure that such works are appropriately designed, constructed, and located; to maintain the dignity of existing memorials; to ensure that the subject is of lasting significance to the people of the state; to reflect the diversity of the state's people and culture yet not be partisan in nature; and to provide an enriching experience that illuminates underlying values and broadens understanding of the state's heritage and culture.

The commemorative work must be consistent with and meet the conditions of the following board documents: Comprehensive Plan for the State Capitol Area and Specific Actions for Implementation of the Comprehensive Plan for the State Capitol Area (February 1998), Summit Park Area Design Framework Study (February 16, 1990), East Capitol Area Design Framework Study for Urban Development (November 1990), and Commemorative Works in the Capitol Area: A framework for Initiation, Evaluation and Implementations of Commemorative Works in the Capitol Area (May 1993). These documents are incorporated by reference and all of which are available at both the board office and the state law library. They are not subject to frequent change.

### **2400.1470 ENFORCEMENT.**

The zoning administrator shall enforce this chapter and has the power to certify zoning compliance and to make inspections of premises necessary to carry out duties as outlined in this chapter.

### **2400.1500 VARIANCES; PURPOSE.**

The procedures and standards ~~contained herein shall~~ in parts 2400.1500 to 2400.1530 govern the consideration and disposition of all variance requests ~~submitted to the board~~.

### **2400.1510 REQUESTS REQUEST FOR A VARIANCE.**

A person desirous of obtaining a variance from the application of one or more of ~~these rules parts of this chapter~~ shall initiate the variance process by submitting to the ~~board~~ zoning administrator four copies of the following information and documents:

- A. a statement setting forth the precise nature and extent of the proposed variance and the reasons the variance is being requested;
- B. ~~any~~ supporting documentation necessary to provide a complete description of the proposal including, but not limited to, architectural plans and drawings, topographical information, and project cost data; and
- C. a detailed statement addressing each of the applicable variance criteria contained in this chapter and ~~setting forth~~ the reasons as to why the variance request is in conformance with these criteria.

**2400.1520 DISPOSITION OF VARIANCE REQUESTS.**

The board shall grant or deny a variance request pursuant to the ~~following procedures and standards: in items A to E and the standards in part 2400.1530.~~

A. Upon receipt of a variance request ~~or the determination by the zoning administrator in review of an application for a zoning permit that a variance is needed,~~ the ~~board zoning administrator~~ shall send written notice ~~thereof~~ to all persons who have registered their names with the board for the purpose of being notified of rulemaking proceedings or variance requests ~~and as well as all parties who may be affected by the decision.~~ The notice must be sent to all owners and possessors of record of property within 150 feet of the premises in question. The board ~~shall~~ may not act upon the variance request ~~for 30 calendar days until after it has issued the notice~~ the comment period.

The notice shall contain a brief description of the variance request, a statement that any person wishing to comment on the request may do so in writing, and a statement that the board will not act on the variance request until interested persons have been afforded at least 30 calendar days after the ~~board's~~ issuance of the notice to submit their comments.

B. If, after receiving the variance request, the board determines that additional information must be submitted by the requesting person, it may direct the person seeking the variance to submit additional data regarding the variance request to the board or the zoning administrator, or appear before the board or the zoning administrator to provide additional information ~~thereon.~~

C. To facilitate full consideration of a variance request the board may, in its discretion, request that the person seeking the variance and other persons who have submitted written comments regarding the variance appear before the board and make arguments to the board. ~~In such this event,~~ the board shall provide ~~the aforementioned these~~ persons notice of the request appearance at least seven days before the board meeting at which the variance request is to be considered. This procedure shall not constitute a contested case as defined in *Minnesota Statutes*, section 14.02, subdivision 3.

D. If a person requesting a variance fails to follow the variance procedures specified in ~~these rules~~ parts 2400.1500 to 2400.1530, the variance shall be denied.

E. ~~The Capitol Area Architectural Planning~~ board shall set forth in writing and submit to the person requesting the variance and other persons who have submitted written comments thereon the reasons why it has granted or denied the variance request within 30 days after its disposition of the request.

**2400.1530 STANDARDS FOR GRANTING AND DENYING VARIANCE REQUESTS.**

Subpart 1. **In general.** The board shall grant a variance to the application of any of its rules, excepting its design standards and sign rules, only if it determines that all of the following criteria have been met:

[For text of items A and B, see M.R.]

C. the granting of the variance does not substantially impair the intent and purposes of ~~these rules this chapter; and~~

D. the variance may be granted without substantial detriment to another person or the public good;

E. the proposed variance is in keeping with the spirit and intent of the code and is consistent with the health, safety, comfort, morals, and welfare of the inhabitants of the capitol area and the city of Saint Paul;

F. the variance request, if granted, would not permit any use that is not permitted under the provisions of the code for the property in the district where the affected land is located, nor would it alter or change the zoning district classification of the property; and

G. the request for variance is not based solely on the desire to increase the value or income potential of the land parcel.

Subp. 2. **Design standards.** The board shall grant a variance to the application of its design ~~standards~~ rules if it determines that:

A. strict application of the design rules would prevent implementation of a design which, in terms of meeting the intent of the rules, is equal to or superior to the design alternatives authorized by the rules; and

B. the criteria ~~set forth~~ in subpart 1, items B, C, and D, have been met.

Subp. 3. **Sign rules.** The board shall grant a variance to application of its sign rules if it determines that:

A. unusual conditions exist with respect to a specific building or lot which require the installation of a unique sign;

**KEY: PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

## Exempt Rules

B. the granting of the variance does not result in the installation of a sign in a zoning district in which such a sign is not permitted by ~~these rules~~ this chapter; and

C. the criteria ~~set forth~~ in subpart 1, items B, C, and D, have been met.

**INSTRUCTION TO REVISOR.** The revisor shall renumber *Minnesota Rules*, part 2400.0010 in alphabetical order.

**REPEALER.** *Minnesota Rules*, parts 2400.0010, subparts 11, 12, 15, 27, 41, and 45; 2400.0020; 2400.0140, subpart 2a; 2400.0230; 2400.0240; 2400.0250; 2400.0260; 2400.0270; 2400.0280; 2400.0290; 2400.0300; 2400.0310; 2400.0410, subpart 2; 2400.0420, subpart 2; 2400.0540, subpart 2; 2400.1080; 2400.1090; 2400.1150, subpart 2; 2400.1390; and 2400.1410, are repealed.

**INCORPORATIONS BY REFERNECE:** Part 2400.0710: Parking Area Design Framework (1991) and On Grade Parking in the Capitol Area: Parking Area Design Framework (1993). Part 2400.0800: Lighting Design Framework (1991). Part 2400.1460: Comprehensive Plan for the State Capitol Area and Specific Actions for Implementation of the Comprehensive Plan for the State Capitol Area (February 1998), Summit Park Area Design Framework Study (February 16, 1990), East Capitol Area Design Framework Study for Urban Development (November 1990), and Commemorative Works in the Capitol Area: A framework for Initiation, Evaluation and Implementations of Commemorative Works in the Capitol Area (May 1993). These guidelines are created by the Capitol Area Architectural and Planning Board and are available at the board office and the state law library.

## Exempt Rules

Exempt rules are excluded from the normal rulemaking procedures (*Minnesota Statutes* §§ 14.386 and 14.388). They are most often of two kinds. One kind is specifically exempted by the Legislature from rulemaking procedures, but approved for form by the Revisor of Statutes, reviewed for legality by the Office of Administrative Hearings, and then published in the *State Register*. These exempt rules are effective for two years only.

The second kind of exempt rule is one adopted where an agency for good cause finds that the rulemaking provisions of *Minnesota Statutes*, Chapter 14 are unnecessary, impracticable, or contrary to the public interest. This exemption can be used only where the rules:

- (1) address a serious and immediate threat to the public health, safety, or welfare, or
- (2) comply with a court order or a requirement in federal law in a manner that does not allow for compliance with *Minnesota Statutes* §§ 14.14-14.28, or
- (3) incorporate specific changes set forth in applicable statutes when no interpretation of law is required, or
- (4) make changes that do not alter the sense, meaning, or effect of the rules.

These exempt rules are also reviewed for form by the Revisor of Statutes, for legality by the Office of Administrative Hearings and then published in the *State Register*. In addition, the Office of Administrative Hearings must determine whether the agency has provided adequate justification for the use of this exemption. Rules adopted under clauses (1) or (2) above are effective for two years only.

The Legislature may also exempt an agency from the normal rulemaking procedures and establish other procedural and substantive requirements unique to that exemption.

## Department of Children, Families, and Learning

### Adopted Exempt Permanent Rules Relating to Graduation Standards; Mathematics, Reading, and Written Composition

#### 3501.0030 DEFINITIONS.

[For text of subps 1 to 7, see M.R.]

Subp. 8. [See repealer.]

[For text of subps 9 to 12, see M.R.]

Subp. 13. **State test.** "State test" means a test of a basic requirement that has been developed using the specifications created for a statewide standard in reading or mathematics. The test shall be designated by the department as the official state test ~~which serves as the basis for validating all other testing options.~~

[For text of subps 14 to 16, see M.R.]

#### 3501.0040 STATEWIDE GRADUATION STANDARDS.

Subpart 1. **Basic requirements.** The basic requirements for mathematics and reading are established in this chapter. The statewide standards for mathematics are specified in subpart 2 and the statewide standards for reading are specified in subpart 3.

To qualify for a high school diploma, a student shall demonstrate competency in the statewide standards for mathematics and reading through ~~one of the testing options in this chapter~~ a state test except for decisions consistent with parts 3501.0090 and 3501.0100. School districts may require higher standards in mathematics and reading than the statewide standards.

[For text of subs 2 and 3, see M.R.]

**3501.0050 TESTING FOR STATEWIDE STANDARDS IN BASIC REQUIREMENTS.**

Subpart 1. **School district testing options.** A school district shall test for competency in the statewide standards in basic requirements by using the state basic skills tests:

- A. a state test;
- B. one of the state-approved nationally normed, commercially published tests; or
- C. a local test.

~~The district shall use one particular form of a test no more frequently than once in three school years for the same group of students.~~

Subp. 2. **Offering tests in basic requirements.** A district shall not offer the test of a basic requirement before grade 8 ~~but shall offer it no later than grade 10~~. Once a test has first been offered to a group of students, the district shall continue to offer a the test of that basic requirement to that group of students at least once a year.

[For text of subs 3 and 4, see M.R.]

**3501.0060 STATE TEST OPTION.**

Subpart 1. **District use of state test.**

- A. The department shall establish and maintain state tests in the basic requirements.
- B. When a district uses a state test, it shall:

(1) accept as final and conclusive the department’s determination on the content of the test, the scoring of the answers, and the determination of the minimum passing score; ~~a district may use other test options on subsequent testing occasions;~~

[For text of subitems (2) to (4), see M.R.]

[For text of subs 2 and 3, see M.R.]

**3501.0140 TEST ADMINISTRATION.**

Subpart 1. **Testing conditions.** The school district shall administer the test ~~that the district chooses from the options given in part 3501.0060 for testing of~~ a basic requirement under standard testing conditions defined by the developer of the particular test using the directions provided with the test. Test administration with accommodations or modifications to standard testing conditions shall occur only in accordance with part ~~3501.0090 or~~ 3501.0050, subpart 3, or 3501.0090.

Subp. 2. **District testing plan.** The district board shall annually adopt and publish a basic requirement test administration plan. The plan shall be filed with the department and delivered to all households in the district by October 15 of each year. At a minimum, the plan shall include:

- A. the graduation requirements;
- B. ~~the test options that the district chooses to use to test the basic requirements;~~
- ~~C. in what grade the test of a basic requirement shall first be offered;~~
- ~~D.~~ how many opportunities a student shall have to retake tests of basic requirements during each year;
- ~~E.~~ C. the opportunities for remediation for a student who has not passed tests of the basic requirements;
- ~~F. the process used by the district for reviewing the test items of a local test in a basic requirement to determine that the material does not offend or disadvantage any particular group;~~
- ~~G.~~ D. the process for requesting an additional testing opportunity and accommodations for a senior who has met all other graduation requirements but has not passed one or more basic requirements;
- ~~H.~~ E. the process for appealing the district’s response to requests in item ~~G~~ D; and
- ~~F.~~ E. how to report breaches in test security procedures to the district and the department.

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## Exempt Rules

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### 3501.0170 REQUIRED DOCUMENTATION FOR PROGRAM AUDIT.

The school district shall maintain records necessary for program audits conducted by the department. The records must include documentation that:

- ~~A.~~ A. tests used for the basic requirements comply with parts 3501.0060 to 3501.0080;
- ~~B.~~ B. the process that the district used to set the passing scores on approved commercially published tests or local tests meets the requirements of parts 3501.0070 and 3501.0080, respectively;
- ~~C.~~ A. required notifications to parents and students meet the requirements of part 3501.0120;
- ~~D.~~ B. required student records meet the requirements of part 3501.0130;
- ~~E.~~ C. the district's process for additional testing of students meets the requirements of part 3501.0050;
- ~~F.~~ D. test security procedures comply with part 3501.0150;
- ~~G.~~ E. local district decisions regarding testing accommodations, modifications, and granting exemptions are in compliance with parts 3501.0090 and 3501.0100;
- ~~H.~~ F. the school district's curriculum and instruction provides appropriate learning opportunities in the basic requirements in compliance with part 3501.0110;
- ~~I.~~ G. remediation plans for students are on file consistent with part 3501.0110;
- ~~J.~~ H. the basic requirement test administration plan complies with part 3501.0140, subpart 2;
- ~~K.~~ I. the documentation for students granted accommodations or exempted from testing complies with part 3501.0090;
- ~~L.~~ J. the assessments and documentation of performance for students granted modifications of statewide standards comply with part 3501.0090, subpart 2, item C; and
- ~~M.~~ K. the district's process for testing considerations for LEP students complies with part 3501.0100.

### 3501.0250 TESTING FOR STATEWIDE STANDARDS IN THE BASIC REQUIREMENT OF WRITTEN COMPOSITION.

Subpart 1. **District testing options.** A school district shall test for competency in the statewide standard in the basic requirement of written composition by using:

- ~~A.~~ A. a state test; or
- ~~B.~~ B. an alternative test approved by the state according to the criteria in part 3501.0260 the state basic skills test of written composition.

Subp. 2. **Offering tests in basic requirements.** A district shall first offer ~~a~~ the test of the basic requirement in written composition to students in grade 10. Nonpassing students shall be given the opportunity to retake ~~a~~ the test of the basic requirement in written composition at least annually.

[For text of subps 3 to 9, see M.R.]

**REPEALER.** *Minnesota Rules*, parts 3501.0030, subpart 8; 3501.0070; 3501.0080; and 3501.0260, are repealed.

## Department of Labor and Industry

### Occupational Safety and Health

#### Proposed Exempt Permanent Rules Relating to Occupational Safety and Health; Mobile Earth-Moving Equipment

**NOTICE IS HEREBY GIVEN** that the Department of Labor and Industry, Occupational Safety and Health Division (Minnesota OSHA), proposes to adopt the following amendment to the Department of Labor and Industry, Occupational Safety and Health Rules. Statutory authority to adopt the amendment is in *Minnesota Statutes* § 182.655 (1996).

This notice proposes the addition of *Minnesota Rules* 5207.1000 "Operation of Mobile Earth-Moving Equipment." The new construction rule was developed to provide protection to operators and ground crews working with and around mobile earth-moving equipment. The rule outlines the minimum safety requirements for the safe operation of mobile earth-moving equipment, including training requirements and frequency, necessity for high-visibility garments, equipment requirements, and contractor responsibilities. Full text of the proposed standard follows this notice.

All interested or affected persons have 30 days from the date this notice is published in the *State Register* to submit, in writing, data and views on the proposed amendments to the rule. Comments in support of or in opposition to the proposed amendments are encouraged. Each comment should identify the portion of the proposed amendment addressed, the reason for the comment, and any change proposed. The comment period will close on July 21, 1999.

Any person may file with the Commissioner written objections to the proposed amendments stating the grounds for those objections, and may request a public hearing. A public hearing will be held if 25 or more persons submit written requests for a public hearing on the proposed amendments within the 30-day comment period. Requests for hearing must include the name and address of the person submitting the request, define the reasons for the request, and discuss any proposed changes. If a public hearing is required, the Department will proceed according to the provisions of *Minnesota Statutes* § 182.655 and *Minnesota Rules* 5210.0010 to 5210.0100.

Written comments or requests for a public hearing should be sent to: Occupational Safety and Health Division, Department of Labor and Industry, 443 Lafayette Road, St. Paul, Minnesota 55155-4307.

Gretchen B. Maglich  
Commissioner

#### **5207.1000 OPERATION OF MOBILE EARTH-MOVING EQUIPMENT.**

**Subpart 1. Scope.** This part identifies minimum safety requirements for the safe operation of mobile earth-moving equipment used for earth moving, building, or road construction or demolition, including, but not limited to, bulldozers, motor graders, scrapers, loaders, skid-steer loaders, compaction equipment, backhoes, end dumps, side dumps, and dump trucks. This part pertains to operators of the equipment and ground crew working in the area.

##### **Subp. 2. Training requirements.**

**A. Mobile earth-moving equipment operators and all other employees working on the ground exposed to or adjacent to mobile earth-moving equipment shall be trained in the safe work procedures and operations of mobile earth-moving equipment and in the recognition of unsafe or hazardous conditions.**

**B. Training programs shall be developed and instructed by competent individuals who have knowledge, training, experience, and the demonstrated ability to identify existing and predictable hazards related to the subject matter.**

##### **C. Training programs must include the following elements:**

**(1) safe work procedures on how to approach mobile earth-moving equipment, whether in use or idling, including:**

**(a) visual, voice, or signal communication that shall be made with the operator prior to approaching earth-moving equipment;**

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## Exempt Rules

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(b) maintaining one's visibility to the operator while approaching the equipment; and

(c) operator responsibilities, such as placing the transmission in neutral, setting the parking brake, and indicating that it is safe to approach the equipment;

(2) identification of the operator's blind spots on various earth-moving equipment used;

(3) instruction for mobile earth-moving equipment operators in conducting daily equipment inspections according to the manufacturer's recommendations, and checking the area around the equipment for a clear path prior to beginning operation;

(4) safe operating procedures of equipment, including traveling, backing, parking, loading for transport, maintenance, and operation;

(5) safe work procedures when working around or adjacent to overhead or underground utilities, as described in *Code of Federal Regulations*, title 29, parts 1926.600(a)(6) and 1926.651(b); and

(6) additional hazards that could be created by changing conditions.

**Subp. 3. Training frequency.** Employees shall be trained initially before beginning work that exposes them to mobile earth-moving equipment, and annually thereafter. Employee training records shall be retained by the employer for at least three years.

**Subp. 4. High visibility personal protective equipment.**

A. Each employee working on the ground who is exposed to or adjacent to mobile earth-moving equipment shall be provided with and required to wear a high visibility warning vest or other high visibility garments. For work during hours of darkness or low light conditions of less than one foot candle, this protective equipment must be made of or marked with retroreflective material.

B. High visibility apparel, as described in item A, shall comply with the specifications in part 5207.0100.

**Subp. 5. Equipment requirements.**

A. All mobile earth-moving equipment shall comply with *Code of Federal Regulations*, title 29, part 1926.602(a)(9)(ii) for back-up alarms or signal persons if applicable.

B. When mobile earth-moving equipment is operated during times of darkness or low light conditions, the equipment, if designed to function equally in both forward and reverse directions, such as compaction equipment, bulldozers, motor graders, loaders, and skid-steer loaders, shall be equipped with at least two headlights for forward travel and adequate rear lights for reverse travel unless other adequate lighting is provided.

**Subp. 6. Contractor responsibility.**

A. If the mobile earth-moving equipment contractor exposes other contractor's employees to the hazard of mobile earth-moving equipment, the controlling employer, such as general contractor or construction manager, for the project shall coordinate a joint contractor-employee safety awareness meeting between contractors and employees on site. Discussion elements for employee awareness training can be found in subparts 2, item C; and 4.

B. The employee safety awareness meeting shall be documented, identifying when the meeting was held and who attended, including a brief summary of what was reviewed. Documentation shall be retained for the duration of the project.

# Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners' orders are compiled in the year-end subject matter index for each volume of the *State Register*.

## Department of Natural Resources

### Commissioner's Scientific and Natural Area Order No. 158: Prairie Smoke Dunes Scientific and Natural Area; Superseding Scientific and Natural Area Order No. 131

**WHEREAS**, certain lands in Norman County, Minnesota, described as:

All of Section Eighteen (18), AND the West Half (W 1/2) and the West Half of the East Half (W 1/2 E 1/2) of Section Seventeen (17), Township One Hundred Forty-six (146) North, Range Forty-four (44) West, containing 1101.92 acres as shown on Exhibit "A".

are under the control and possession of the Department of Natural Resources; and

**WHEREAS**, such lands contain examples of sand dune, oak savanna, and oak forest plant communities as well as populations of the following rare, threatened or endangered plant species: Annual Skeleton-Weed (*Lygodesmia rostrata*), Indian Rice-grass (*Oryzopsis hymenoides*), Purple Sand-grass (*Triplasis purpurea*), and Western Prairie Fringed Orchid (*Platanthera praeclara*); and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area; and

**WHEREAS**, the above-described lands were designated as Prairie Smoke Dunes Scientific and Natural Area by Scientific and Natural Area Order No. 95, dated January 11, 1994, which was superseded by Scientific and Natural Area Order No. 131, dated August 26, 1996; and

**WHEREAS**, a public hearing was held on July 11, 1995 regarding opening Prairie Smoke Dunes Scientific and Natural Area to deer hunting; and

**WHEREAS**, the hearing examiner by order dated August 3, 1995 recommended that Prairie Smoke Dunes Scientific and Natural Area be opened to deer hunting to ensure proper management of the deer population; and

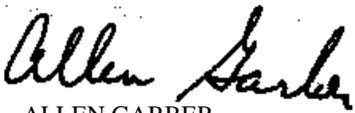
**WHEREAS**, all requirements of *Minnesota Statutes* § 86A.05, subd. 5(d) have been satisfied.

**NOW THEREFORE**, I, Allen Garber, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, 97A.093 and other applicable law, do hereby designate the above-described lands as PRAIRIE SMOKE DUNES Scientific and Natural Area. Furthermore, the PRAIRIE SMOKE DUNES Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* pts. 6136.0100 through 6136.0600 shall apply to the above-designated area except that the area shall be open to antlerless deer hunting as may be necessary to ensure proper management of deer populations.

**IT IS FURTHER ORDERED** that Scientific and Natural Area Order No. 131 is hereby superseded.

Dated: 12 March 1999



ALLEN GARBER  
Commissioner  
Department of Natural Resources

APPROVED AS TO FORM AND EXECUTION  
MIKE HATCH  
Attorney General



STEPHEN B. MASTEN  
Assistant Attorney General

Commissioner's Orders

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Department of Natural Resources

Commissioner's Scientific and Natural Area Order No. 159: Lundblad Prairie Scientific and Natural Area

**WHEREAS**, certain lands in Murray County, Minnesota, described as:

The West Half of the Northwest Quarter (W 1/2 NW 1/4) of Section One (1), Township One Hundred Five (105), Range Forty-one (41), containing 80 acres, more or less.

are under the control and possession of the Department of Natural Resources; and

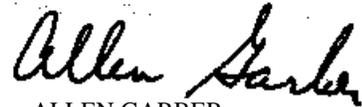
**WHEREAS**, such lands contain a high quality native prairie community; and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**NOW THEREFORE**, I, Allen Garber, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, 97A.093, and other applicable law, do hereby designate the above-described lands as Lundblad Prairie Scientific and Natural Area. Furthermore, the Lundblad Prairie Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area.

Dated: 12 March 1999



ALLEN GARBER  
Commissioner  
Department of Natural Resources

APPROVED AS TO FORM AND EXECUTION  
MIKE HATCH  
Attorney General



STEPHEN B. MASTEN  
Assistant Attorney General

Department of Natural Resources

Commissioner's Scientific and Natural Area Order No. 160: Holthe Prairie Scientific and Natural Area

**WHEREAS**, certain lands in Jackson County, Minnesota, described as:

The West Half of the Southwest Quarter (W 1/2 SW 1/4) of Section Five (5), Township One Hundred Three (103), Range Thirty-five (35). Also that part of the North Half of the Northwest Quarter (N 1/2 NW 1/4) of Section Eight (8), Township 103, Range 35, lying easterly of the Des Moines River. Containing 148 acres, more or less.

are under the control and possession of the Department of Natural Resources; and

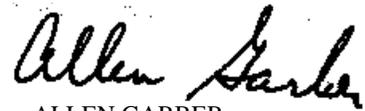
**WHEREAS**, such lands contain a high quality hill prairie and the largest known example of a calcareous seepage fen in the Des Moines River Valley and the following rare, threatened or endangered plant species: prairie bush clover (*lespedeza leptostachya*); and

**WHEREAS**, the most effective means by which such lands can be protected and perpetuated in their natural state and used for educational and research purposes in such a manner as will leave them conserved for future generations is by designation as a Scientific and Natural Area;

**NOW THEREFORE**, I, Allen Garber, Commissioner of Natural Resources, pursuant to authority vested in me by *Minnesota Statutes* §§ 84.033, 86A.05, subd. 5, 97A.093, and other applicable law, do hereby designate the above-described lands as Holthe Prairie Scientific and Natural Area. Furthermore, the Holthe Prairie Scientific and Natural Area is designated as a Public Use unit, open to the public for nature observation and general educational and research activities.

**IT IS FURTHER ORDERED** that the provisions of *Minnesota Rules* 6136.0100 through 6136.0600 shall apply to the above-designated area.

Dated: 12 March 1999



ALLEN GARBER  
Commissioner  
Department of Natural Resources

APPROVED AS TO FORM AND EXECUTION  
MIKE HATCH  
Attorney General



STEPHEN B. MASTEN  
Assistant Attorney General

## Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rule-making proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

## Environmental Quality Board

### Notice of Intent to Establish an Urban Development Environmental Steering Committee

The Environmental Quality Board intends to establish an urban development environmental steering committee to advise it on the scope and content of an urban development generic environmental impact statement. Laws of 1999, Chapter 250, Article 1, Section 108 directs the board to prepare a generic environmental impact statement to examine the long-term effects of urban development - past, present, and future - upon the economy, environment, and way of life of the residents of the state. The study may address:

- 1) the overall dimension of urban development in this state, including the past and current trends of settlement and population growth, the types and location of urban development, and the relationship of past and current development patterns to existing land use policies;
- 2) environmental quality issues associated with urban development such as the effects of urban development on air, ground water, surface water, and land, including the impact of urban development on the loss of agricultural land in urbanizing areas;
- 3) economic issues such as the comparative economic impact of alternative means of urban development, including the economic efficiency of the alternatives;
- 4) social issues such as the comparative social impact of alternative means of urban development; and
- 5) the roles of various units of government in regulating various aspects of land use decisions.

The committee expires upon completion the generic environmental impact statement by the board and its presentation to the Legislature. The committee will consist of 15 members and is expected to meet on a monthly basis, with more frequent meetings expected at times to complete its various advisory duties.

Appointing Authority: Environmental Quality Board

Contact Person: John Wells

Address: 658 Cedar Street, 300 Centennial Building, St. Paul, MN 55155

Deadline for applications is July 27, 1999

## Department of Health

### MEMBERSHIP OF RULEMAKING ADVISORY COMMITTEES

This publication contains the membership of rulemaking advisory committees that commented on rules under active consideration within the Department of Health during the last year. This publication refers to those committees where the membership list has not been published in the *State Register* during the past year. This is being published in the *State Register* to comply with *Minnesota Statutes*, section 14.101, subdivision 2. If you have any questions about this publication, contact Dave Orren by mail at the Minnesota Department of Health, Health Policy and Systems Compliance Division, P.O. Box 64975, 121 East Seventh Place, Suite 400, St. Paul, Minnesota 55164-0975, by telephone at 651-282-6310, or by email at [david.orren@state.health.mn.us](mailto:david.orren@state.health.mn.us). TTY users may call the Minnesota Department of Health at 612-623-5522.

For the Department's Vital Records Rules, chapter 4600, the following organizations participated in rule advisory committee meetings: Albin Funeral Chapel; Anoka County Court Administrator; Dakota County Government Center, Local Registrar of Vital Records/Dakota County; Department of Children, Families and Learning, Early Childhood, Family and Community Support; Department of Human Services, Child Support Enforcement Division; Hasra-Dougherty Funeral Home; Hennepin County Government Center, Local Registrar of Vital Records/Hennepin County; Hennepin County Government Center, MACO Advisory Committee; Minnesota Citizen Special Interest Advocate; Minnesota Coroner & Medical Examiners Association; Minnesota Department of Health, Disease Prevention & Control; Minnesota Funeral Directors Association; Minnesota Hospital and Healthcare Partnership; Minnesota Department of Health, Center for Health Statistics; Minnesota Medical Association; Minnesota

Historical Society, State Archives Department; Minnesota Department of Health, Health Policy & Systems Compliance; Minnesota Department of Public Safety, Exam & Inspection Program; Minnesota Department of Health, Vital Records; Minnesota Nurses Association; Renville County Recorder, Local Registrar of Vital Records/Renville County; Social Security Office; Steele County, Court Administrator-Local Registrar of Vital Records/Steele County; StreetWorks; Todd County Recorder, Local Registrar of Vital Records/Todd County; Werness Brothers Funeral Home; and Willwerscheid and Peters Funeral Home.

For the Department's WIC Rules, chapter 4617, it is anticipated that the following persons and organizations will participate in rule advisory committee meetings: Minnesota Grocers Association; another retail professional association; a pharmacy professional association; United Food & Commercial Workers, Local 653; Rainbow Foods; two other large retail grocery stores; two medium-size grocery stores; between six and eight small grocery stores; St. Paul Public Health—WIC; two other local WIC agencies; U.S. Department of Agriculture; USDA — Office of Inspector General; Minnesota Attorney General's Office; and a wholesale food distributor.

For the Department's Supervised Living Facility Rules, chapter 4665, the following persons and organizations participated in rule advisory committee meetings: Association of Residential Resources in Minnesota; Association of Retarded Citizens; Governor's Planning Council on Developmental Disabilities; Minnesota Association of Mental Health Residential Facilities; Minnesota Detox Association; Minnesota Medical Association; Minnesota Nurses Association; Ombudsman for Mental Health & Mental Retardation; a provider of residential services; a health information management professional; a registered dietitian; Minnesota Department of Human Services - Licensing Division; Minnesota Department of Human Services - Chemical Dependency Division; Minnesota Department of Human Services - Division for Persons With Developmental Disabilities; Minnesota Department of Human Services - Mental Health Division; and Minnesota Department of Health - Facility & Provider Compliance Division.

For the Department's Home Care and Hospice Licensure Rules in chapter 4668, the following persons and organizations participated in rule advisory committee meetings: Minnesota Home Care Association; Minnesota Hospice Organization; Minnesota Nurses Association; Public Health Nurses Association; Association of Residential Resources in Minnesota; Office of Ombudsman for Mental Health and Mental Retardation; a home health provider; a county public health administrator; a durable medical equipment provider; Care Providers of Minnesota; Minnesota Health & Housing Alliance; Minnesota Board of Nursing; Minnesota Department of Human Services - Home & Community Based Services; Minnesota Department of Health - Environmental Health Division; Minnesota Department of Health - Public Health Nursing; and Minnesota Department of Health - Facility & Provider Compliance Division.

For the Department's Assisted Living Home Care Provider Rules in chapter 4668, the following persons and organizations participated in rule advisory committee meetings: AARP; Association of Residential Resources in Minnesota; a family member; Home Care Ombudsman; Anoka County Public Health Nursing; Dakota County Public Health; Hennepin County; Otter Tail County Social Services; St. Paul Ramsey County Public Health; Ramsey County Human Services; home care providers; housing with services establishments; registered nurses; S.A.I.L. (Seniors Agenda for Independent Living); Minnesota Board of Nursing; Minnesota Department of Human Services; Care Providers of Minnesota; Minnesota Health & Housing Alliance; Minnesota Home Care Association; Minnesota Hospice Organization; Minnesota Hospital and Healthcare Partnership; Minnesota Nurses Association; Minnesota Professional Direct Caregivers Association; Minnesota Department of Health - Public Health Nursing; Minnesota Department of Health - Environmental Health Division; and Minnesota Department of Health - Facility & Provider Compliance Division.

For the Department's Nuclear Regulatory Commission Agreement State Rule, chapter 4730, the following organizations and persons are members of the rule advisory committee: American Engineering Testing Inc.; Reliant Med. Physics, Inc.; Twin Ports Testing; Mayo Clinic; Nuclear Medicine Department; St. Joseph's Hospital; 3M Center Health Physics Services; Methodist Hospital; MQS Inspection; North Country Regional Hospital; Macalaster College; Braun Intertech Company; Syncor International Corporation; Hibbing Taconite Company; University of Minnesota; VA Medical Center; Immanuel St. Joseph's Hospital; North Star Imaging; University of Minnesota, Boynton Health Service; Abbott-Northwestern Hospital; Consolidated Paper; Masonic Cancer Center; Imation Corporation; Hennepin County Medical Center; Lake Superior Paper Industries; Northern States Power; Nuclear Regulatory Commission; IBM; Mallenchrordt Medical; Fairview Southdale Hospital; Carleton College; Progress Casting; Dr. Geoffrey Bodeau; Dr. Mary Fox; U.S. Steel Co.; Shared Medical Technology, Inc.; Midwest Testing Laboratory, Inc., MVTL Laboratories, Inc.; U.S. Food and Drug Administration; Lakehead Pipeline Co.; St. Cloud Hospital; United Hospital; TSI Inc.; University of St. Thomas; Minnesota Department of Public Service; General Dynamics Computing Devices Int'l; and Fairview Lakes Regional Medical Center.

For the Department's Health Risk Value Rule, chapter 4717, the following organizations are members of the rule advisory committee: Metropolitan Council; Ashland Petroleum; American Plastics Council; Minnesota Department of Agriculture; Koch Refining Co.; Minnesota Medical Association; Minnesota Public Health Association; Dakota County Environmental Health; Iron Mining Association; American Lung Association; Minnesota Environmental Coalition—Labor and Industry; Boise Cascade; Oppenheimer, Wolff, and Donnelly; Northern States Power Co.; Minnesota Pollution Control Agency; Lake Superior Paper; International Poison Center; University of Minnesota School of Public Health; Earth Tech Environmental; Braun Intertec Corporation; Minnesota Chamber of Commerce (3M); Minnesota Center for Environmental Advocacy; and Minnesota Building & Construction Trades.

## Official Notices

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For the Department's Food Manager Certification Rule, chapter 4626, the following organizations are members of the rule advisory committee: City of St. Paul; Minnesota Department of Children, Families, and Learning; Minnesota Environmental Health Association; a representative from the public; Minnesota Restaurant, Hotel, and Resort Association; Minnesota Association of Meat Processors; St. Louis County; Hospital Institute of Technology and Management; and Minnesota Department of Agriculture.

Dated: 9 June 1999

Dave Orren, Rule Writer  
Minnesota Department of Health

## Department of Health

### Division of Family Health

#### Public Input Regarding the Health Department Application for Continuation of the Federally Funded Abstinence Education Program

The Minnesota Department of Health invites public comment concerning its application to the federal government for continuation of the Abstinence Education Program for the Fiscal Year ending September 30, 2000. Written comments are requested which may be mailed or presented at a public meeting scheduled on Tuesday, July 6, 1999 from 10:00 a.m. - 11:00 a.m. in the Mississippi Room at the Minnesota Department of Health Service Center located at the Snelling Business Park, 1645 Energy Park Drive, St. Paul. All comments are due at the Department July 6, 1999.

This continuation application consists of two parts. The first section describes how the current two year funded grantees will continue implementation during the next federal fiscal year. The second reports program accomplishments through September 30, 1998. The Department intends that input from public comment received in response to this notice, in addition to the experience of local projects, will contribute to an ongoing dialogue with interested persons.

Persons planning to attend and/or present comments are requested to register as soon as possible, but no later than July 1, 1999. Any person needing special accommodations for a disability should so indicate at the time of registration.

To register for the meeting or request a copy of the draft application, please contact: Jill Simonetti at 651-215-8989 or E-mail at [jill.simonetti@health.state.mn.us](mailto:jill.simonetti@health.state.mn.us)

## Department of Labor and Industry

### Labor Standards Unit

#### Notice of Addition and Correction to Commercial Prevailing Wage Rates

An **additional** rate has been added to the Commercial Prevailing Wage Rates certified 10/26/98, for **Labor Code 418, Plasterers, in Clay County.**

A **correction** has been made to the Commercial Prevailing Wage Rates certified 10/26/98, in **Groups 3, 4, 5, and 6 for heavy equipment in Blue Earth County.**

Copies of the corrected certifications may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or by calling 651-296-6452. Charges for the cost of copying and mailing are \$1.00 for the first page and \$.65 for each additional page. Make check or money order payable to the State of Minnesota.

Gretchen Maglich  
Commissioner

## Minnesota State Law Library

### Joint Notice of County Law Library Filing Fees

Pursuant to *Minnesota Statutes* 143A.09 and 143A.10, the following law library fees are in effect as of July 1, 1999. Civil fees include probate matters except as noted. Criminal conviction includes felonies, gross misdemeanors, and misdemeanors except as noted.

<u>COUNTY</u>	<u>CIVIL</u>	<u>CONCILIATION</u>	<u>CRIMINAL CONVICTION</u>	<u>PETTY MISDEMEANOR</u>
McLeod*	5	5	—	—
Mower	10	10	10	10
Sibley	10	10	10	10
Wright	10	5	10	10

\*McLeod County assesses \$7 on speeding tickets.

## Department of Natural Resources

### Division of Minerals

#### Notice of Intent to Add Areas to State Metallic Minerals Preference Rights Lease Availability List

**NOTICE IS HEREBY GIVEN** of the intent to add areas to the preference rights lease availability list on August 2, 1999. Leases to explore for, mine and remove metallic minerals may be obtained by application for all lands included on the preference rights lease availability list. Included in the areas to be added to the list may be trust fund lands, lands and minerals forfeited for non-payment of taxes, lands and minerals otherwise acquired, and other state-owned land under the jurisdiction of the Commissioner of Natural Resources, and located in portions of Aitkin, Beltrami, Carlton, Itasca, Koochiching, Lake of the Woods, Roseau, and Saint Louis Counties. No land or water areas within the Boundary Waters Canoe Area Wilderness or Voyageurs National Park are included in the areas to be added to the preference rights lease availability list.

The preference rights leasing system is in addition to the public lease sale process. All lands to be added to the preference rights availability list have been offered at a public lease sale within the last two years.

The preference rights availability list will be maintained in the office of the Division of Minerals, Department of Natural Resources, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045. The list will be available for inspection by the public and interested parties during regular business hours. Those interested in obtaining a copy of the preference rights availability list may obtain one by submitting a request to the Commissioner. The Commissioner shall charge a fee for each copy of the list based on copying and mailing costs. On August 2, 1999, the preference rights availability list will also be available for viewing on the Internet through the DNR website at: <http://www.dnr.state.mn.us/minerals/lease.html>

Information on procedures and applications for a preference rights lease may be obtained from the Commissioner of Natural Resources, c/o Division of Minerals, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045 (telephone 612-296-4807) or e-mail at [kathy.lewis@dnr.state.mn.us](mailto:kathy.lewis@dnr.state.mn.us). Each application must be accompanied by a certified check, cashier's check, or bank money order, payable to the Department of Natural Resources in the sum of the following amounts: a) an application fee of \$100.00 for each mining unit for which a preference rights lease is requested; and b) rental for one full calendar year for each mining unit for which a preference rights lease is requested.

Applications may be submitted in person or by mail to the office of the Division of Minerals, Fourth Floor, DNR Building, 500 Lafayette Road, Saint Paul, Minnesota 55155-4045. Applications will only be accepted during the hours of 8:30 a.m. to 4:00 p.m. on regularly scheduled business days. Applications received at any other time will not be officially accepted until the next regularly scheduled business day, and the Commissioner assumes no responsibility for applications submitted in person at any time other than the time specified.

Evidence of qualification to hold a state mineral lease, as specified in *Minnesota Rules*, part 6125.0410, must be submitted with the application. The rules state that a lease will only be issued to an applicant qualified to do business in Minnesota and qualified to conduct exploratory borings in Minnesota. Within ten days after receipt of an application, the Commissioner will send written acknowledgment that the application was received. The Commissioner may request evidence that the lease applicant is technically and financially capable of performing under the terms of a state mineral lease. The requested evidence must be provided within 45 days of the request from the Commissioner or the application will be rejected.

## Official Notices

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A lease shall be awarded by the Commissioner, with the approval of the State Executive Council, to the first qualified applicant who files an application that is not rejected. The right is reserved to the State, through the Executive Council, to reject any and all applications for preference rights leases. Preference rights leases shall be in the form set out in *Minnesota Rules*, part 6125.0700. The rental and royalty rates shall not be less than prescribed in *Minnesota Rules*, part 6125.0700. Upon the award of a lease, the application fee submitted with the application will be deposited with the State Treasurer as a fee for the lease. If the application for a preference rights lease is rejected, the rental payment accompanying the application will be returned to the applicant. The application fee will not be refunded under any circumstances.

The purpose of Minnesota's metallic minerals rules is to promote and regulate the prospecting for, mining and removal of metallic minerals on state-owned and state-administered lands. These rules, and the leases issued under the rules, authorize exploration and development of these minerals and impose certain requirements on the lessee. The requirements include: the payment of minimum rentals which increase with the passage of time, the payment of royalty for all ore mined and removed, the submission of data and other reports, and the submission of exploration plans. In addition, the state lessee must comply with all applicable regulatory laws.

Dated: 11 June 1999

Allen Garber, Commissioner  
Department of Natural Resources  
Saint Paul, Minnesota  
By William C. Brice, Director  
Division of Minerals

## Office of the Ombudsman for Mental Health and Mental Retardation

### Notice of Meeting

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting from 9:00 a.m. to 1:00 p.m. on Thursday, June 24, 1999. The meeting will be held in Room LL52 in the lower level of the Metro Square Building on 7th and Robert Street, St. Paul.

## Department of Transportation

### Appointment and Notice of Meeting of State Aid Variance Committee

**NOTICE IS HEREBY GIVEN** that the Commissioner of Transportation has appointed a State Aid Variance Committee who will conduct a meeting on Wednesday, June 23, 1999 at 10:00 a.m. in Conference Room 3, Mn/DOT Arden Hills Training Center, 1900 West County Road I, Arden Hills, Minnesota 55112.

This notice is given pursuant to *Minnesota Statute* 47k.705.

The purpose of this open meeting is to investigate and determine recommendations for variances from minimum State Aid roadway standards and administrative procedures as governed by *Minnesota Rules* for State Aid Operations 8820.3300, adopted pursuant to *Minnesota Statutes* 161 and 162.

The agenda will be limited to these questions:

- Petition of the City of Shorewood** for a variance from *Minnesota Rules* 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 49.6, a 33.6 and two 37.5 km/h horizontal curves and a 12 km/h vertical curve, in lieu of the required 50 km/h design speed on the proposed realignment/reconstruction project on Lake Linden Drive (Municipal State Aid Street No. 109) at the existing access to Trunk Highway No. 7 in the City of Shorewood, Minnesota.
- Petition of the City of Falcon Heights** for a variance from *Minnesota Rules* 8820.1800, Subp. 2., adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow the use of State Aid funds on the Falcon Heights local street system when a segment of a Municipal State Aid Street is not certified as improved to standards; in lieu of the required certification of the Municipal State Aid Street System to standards prior to use of any State Aid funds being used on the local street system in the City of Falcon Heights, Minnesota.

3. **Petition of the City of Albert Lea** for a variance from *Minnesota Rules* 8820.9920, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 32 km/h horizontal curve to remain in place in lieu of the required 50 km/h design speed on Wedgewood Drive (Municipal State Aid Street No. 118) traveling northerly then westerly at approximately Brent Drive in the City of Albert Lea, Minnesota.
4. **Petition of Aitkin County** for a variance from *Minnesota Rules* 8820.9920, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow the reconstruction or rehabilitation of Bridge No. L-2949, located on a 0.1 mile segment of dead-end township road located on the Aitkin/Cass County Line in Section 28, Township 52 North, Range 27 West in Aitkin County, Minnesota to a curb-to-curb width of 4.88 meters, in lieu of the required curb-to-curb width of 8.4 meters.

The cities and counties previously listed are requested to adhere to the following time schedule when appearing before the Variance Committee:

10:00 a.m.	City of Shorewood
10:15 a.m.	City of Falcon Heights
10:30 a.m.	City of Albert Lea
10:45 a.m.	Aitkin County

Dated: 7 June 1999

Julie A. Skallman  
Division Director  
State Aid For Local Transportation

## Department of Transportation

### Petition of the City of Shorewood for a variance from State Aid requirements for DESIGN SPEED

**NOTICE IS HEREBY GIVEN** that the Shorewood City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed realignment/reconstruction project on Lake Linden Drive (Municipal State Aid Street No. 109), closing the present access of Lake Linden Drive to Trunk Highway No. 7, and connecting Lake Linden Drive to the existing north Trunk Highway No. 7 frontage road in the City of Shorewood, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 49.6, a 33.6, and two 47.5 km/h horizontal curves and a 12 km/h vertical curve in lieu of the required 50 km/h design speed on the proposed realignment/reconstruction project on Lake Linden Drive at the existing access to Trunk Highway No. 7 in the City of Shorewood, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 7 June 1999

Julie A. Skallman  
Division Director  
State Aid For Local Transportation

## Department of Transportation

### Petition of the City of Falcon Heights for a variance from State Aid requirements for CONSTRUCTION OF MUNICIPAL STATE AID SYSTEM STREETS TO STANDARDS

**NOTICE IS HEREBY GIVEN** that the Falcon Heights City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to proposed construction projects located off the Falcon Heights Municipal State Aid Street System in the City of Falcon Heights, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.1800, Subp. 2., adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow the use of State Aid funds on the Falcon Heights local street system when a segment of a Municipal State Aid Street is not certified as improved to standards; in lieu of the required certification of the Municipal State Aid Street System to standards prior to use of any State Aid funds being used on the local street system in the City of Falcon Heights, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 7 June 1999

Julie A. Skallman  
Division Director  
State Aid For Local Transportation

## Department of Transportation

### Petition of the City of Albert Lea for a variance from State Aid requirements as they apply to HORIZONTAL DESIGN SPEED ON A RECONSTRUCTION PROJECT

**NOTICE IS HEREBY GIVEN** that the Albert Lea City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 to request a variance from Rules as they apply to a proposed reconstruction project on Wedgewood Road (Municipal State Aid Street No. 118), beginning at County State Aid No. 46 and traveling North and then West on to Trunk Highway No. 13 in the City of Albert Lea, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 32 km/h horizontal curve to remain in place in lieu of the required 50 km/h design speed on Wedgewood Drive traveling northerly then westerly at approximately Brent Drive in the City of Albert Lea, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Mail Stop 100 Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155.

If a written objection is received within 20 calendar days from publication date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held regarding the request.

Dated: 7 June 1999

Julie A. Skallman  
Division Director  
State Aid For Local Transportation

## Department of Transportation

### Petition of Aitkin County for a variance from State Aid requirements for BRIDGE WIDTH

**NOTICE IS HEREBY GIVEN** that the Aitkin County Board has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300, for a variance from rules as they apply to a proposed bridge reconstruction/rehabilitation project on Bridge No. L-2949, located on a 0.1 mile segment of dead-end township road located on the Aitkin/Cass County Line in Section 28, Township 52 North, Range 27 West in Aitkin County, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9920, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow the reconstruction or rehabilitation of Bridge No. L-2949 to a curb-to-curb width of 4.88 meters, in lieu of the required curb-to-curb width of 8.4 meters.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 7 June 1999

Julie A. Skallman  
Division Director  
State Aid For Local Transportation

## Department of Transportation

### State Aid for Local Transportation Division

### Petition of the City of Falcon Heights for a variance from State Aid requirements for STREET WIDTH

**NOTICE IS HEREBY GIVEN** that the Falcon Heights City Council has made written request to the Commissioner of Transportation pursuant to *Minnesota Rules* 8820.3300 for a variance from rules as they apply to proposed construction projects on Garden Avenue (Municipal State Aid Street No. 105), between Hamline Avenue and Snelling Avenue in the City of Falcon Heights, Minnesota.

The request is for a variance from *Minnesota Rules* for State Aid Operations 8820.9936, adopted pursuant to *Minnesota Statutes* Chapter 161 and 162, so as to allow a 36 foot curb-to-curb street width to remain in place, in lieu of the required 11.4 meter curb-to-curb street width on construction projects on Garden Avenue, between Hamline Avenue and Snelling Avenue in the City of Falcon Heights, Minnesota.

Any person may file a written objection to the variance request with the Commissioner of Transportation, Transportation Building, St. Paul, Minnesota 55155.

If a written objection is received within 20 days from the date of this notice in the *State Register*, the variance can be granted only after a contested case hearing has been held on the request.

Dated: 14 June 1999

Julie A. Skallman  
Division Director  
State Aid For Local Transportation

# Professional, Technical & Consulting Contracts

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (651) 296-2600 or [TTY (651) 297-5353 and ask for 296-2600].

## Colleges and Universities, Minnesota State (MnSCU)

### Metro State University

#### Request for Proposal for Janitorial Services

Metropolitan State University is soliciting proposals from qualified firms to assist with housekeeping and janitorial services. Specifications will be made available upon request. If the vendor is so qualified, they may also request specifications relating to window washing and security.

An informational meeting and walk through will be held Tuesday, June 29, 1999 at 10:00 a.m. in the Auditorium.

Proposals will be received as a sealed bid, with a public opening set for Monday, July 12, 1999 in room 301 Founders Hall.

The RFP does not obligate Metropolitan State University to complete the proposed project and Metro State reserves the right to cancel the solicitation if it is considered in its best interest.

To receive a full request for proposal, write or call:

Gerry Ramacier  
Metropolitan State University  
700 East 7th Street East  
St. Paul, MN 55106-5000  
Phone: 651-793-3969  
FAX: 651-772-7631

Completed proposals are due by: **Friday, July 9, 1999 by 4:00 p.m.**

## Colleges and Universities, Minnesota State (MnSCU)

### Metropolitan State University

#### Window Washing Specifications - Metropolitan State University, 700 East 7th Street, St. Paul, MN 55106

Please prepare an itemized (base bid) per occurrence for washing the windows inside and out on all buildings for Metropolitan State University's Dayton's Bluff campus. Please prepare your bid so that it includes the following information. Washings will be scheduled at the discretion of Metro State University, June and October will be the typical months for scheduled washing.

Price Per Building:

Inside Windows:

Founders Hall: \$ \_\_\_\_\_

St. John's Hall: \$ \_\_\_\_\_

New Main: \$ \_\_\_\_\_

Outside Windows:

Founders Hall \$ \_\_\_\_\_

St. John's Hall \$ \_\_\_\_\_

New Main: \$ \_\_\_\_\_

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## Professional, Technical & Consulting Contracts

- \*\*Note\*\***
1. All exterior windows will be washed from the exterior.
  2. Window washing will include all window frame, ledges, and adjacent surfaces.
  3. Bid will include the cleaning of all light fixtures in the Great Hall, stairways, and remote or hard to reach areas.

Exact specifications will be submitted as to the:

- Mfg. of Equipment to be used.
- Model and serial number of equipment to be used.
- The live weight per SF of equipment to be used.
- The exact load points will be provided for equipment used.
- Protective 3/4" plywood will be provided by the vendor for floor protection within the New Main, and on the grounds.
- Itemize all equipment costs; e.g. lift rentals & scaffolding.

## Department of Corrections

### Minnesota Correctional Facility - MCF Red Wing

#### Notice of Availability of Contract for Clinical Supervision of Sex Offenders Treatment Program

The Minnesota Correctional Facility - Red Wing requires clinical supervision services for the facility's juvenile sex offender treatment program. The services provided will include: administering and interpreting of sex offender assessments; monitoring individual treatment plans; monitoring and evaluating staff performance in the delivery of treatment services, responding to requests for special needs counseling; and assisting in the development of aftercare plans.

Prospective responders who have any questions regarding this proposal or wish to receive a copy of the entire request for proposal may call or write:

John Handy  
MCF-Red Wing  
1079 Highway 292  
Red Wing, MN 55066  
Telephone 651-267-3613

All proposals must be sent to:

John Handy  
MCF-Red Wing  
1079 Highway 292  
Red Wing, MN 55066

All proposals must be received no later than **4:00 p.m. July 12, 1999**. Late proposals will not be considered.

## Department of Human Services

### Health Care Purchasing and Service Delivery Division

#### Notice of Extension for Request for Proposals from Prepaid Health Plans for Minnesota Health Care Programs recipients in Olmsted County

The Minnesota Department of Human Services (DHS) is extending its deadline for receipt of proposals from 4:30 P.M. on July 12, 1999 to 4:30 P.M. on July 19, 1999. DHS is seeking proposals from prepaid health plans to provide health care services to persons in Olmsted County who are covered by Medical Assistance (MA), General Assistance Medical Care (GAMC) or MinnesotaCare. This notice was first published in the June 7, 1999 *State Register* (23 S.R. 2263).

## Professional, Technical & Consulting Contracts

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Interested parties may receive a copy of the RFP by contacting:

Thomas Fields, Development Manager  
Purchasing and Service Delivery Division  
Minnesota Department of Human Services  
444 Lafayette Road  
St. Paul, Minnesota, 55155-3854  
Telephone: 651-297-7303 FAX: 651-297-3230  
E-mail: [tom.fields@state.mn.us](mailto:tom.fields@state.mn.us)

Prospective respondents with questions regarding this RFP may call, write or e-mail Thomas Fields at the above address. Mr. Fields is the only person at the Department of Human Services who is authorized to answer questions regarding this document.

All responses to this RFP are due at the Department of Human Services, Purchasing and Service Delivery Division, ATTN: Thomas Fields, 444 Lafayette Road, St. Paul, MN 55155, by 4:30 p.m., July 19, 1999.

## Department of Transportation

### Engineering Services Division

#### Notice to Consulting Engineers-Registered Civil and Structural - Soliciting Expressions of Interest to be on Bridge Design Consultant List

The Minnesota Department of Transportation (Mn/DOT) is soliciting expressions of interest from qualified design firms for inclusion on its approved Bridge Design Consultant List for the Fiscal Year 2000/2001 Biennium, starting July 1, 1999 through June 29, 2001. Proposals will be evaluated to determine the firm's qualifications.

During the coming Biennium, Mn/DOT will select Consultants from the approved Certified List to provide Bridge Design Services for individual projects. Consultant selection will be for a Certified List Program.

Request for Proposals will be available by mail or for pick up from this office through July 9, 1999. **A written "fax" request is required to receive the Request for Proposal. Indicate whether your firm is a Targeted Group Business in your written "fax" request.**

The Request for Proposal can be obtained from Mn/DOT's Project Manager:

Robert J. Miller  
Bridge Agreements Engineer, Mail Stop 610  
Waters Edge Building, Suite 200  
1500 west County Road B2  
Roseville, MN 55113

**Proposals must be received at the above address no later than 2:30PM, central Daylight Time (CDT) on July 16 1999. Late proposals will not be considered. No time extensions will be granted.** This request does not obligate the State of Minnesota Department of transportation to complete the work contemplated in this notice, and the department reserves the right to cancel this solicitation. All expenses incurred in responding to this notice shall be borne by the responder.

## Department of Transportation

### Engineering Services Division

#### Request for Proposal for Value Engineering S.A.V.E. Services, Hiawatha Avenue Light Rail Transit System

The Minnesota Department of Transportation (Mn/DOT) is soliciting proposals for Society of American Value Engineers (S.A.V.E.) Certified Value Engineering Services for the Light Rail Transit System (LRT) which will run from Downtown Minneapolis south down Hiawatha Avenue to Minneapolis/St. Paul International Airport, from there the LRT system will run west to the termination point on the north side of the Mall of America in Bloomington, Minnesota.

The 12 mile LRT system is designed to run from Minneapolis's Historic Warehouse Business District down the Hiawatha corridor, south of downtown Minneapolis, through the scenic Minnehaha Creek area, over Trunk Highway 62 in South Minneapolis, Minnesota, from there the tracks will proceed under ground through the Minneapolis/St. Paul International Airport, resurfacing south of the Airport near the Fort Snelling National Cemetery, continue down 34th Avenue in Bloomington, Minnesota, and finally turn west up Metro Drive in Bloomington, Minnesota, terminating on the north side of the Mall of America.

The project is Scheduled for a Spring of 2000 letting.

The Contractor must have a working knowledge of Light Rail Transit Systems, Civil Engineering Principles and Construction techniques. The Contractor must also be S.A.V.E. certified.

To receive a copy of the complete Request for Proposal, Contractors will be required to submit a written request, either by direct mail or fax, to the address indicated below through July 19, 1999. After July 19, 1999, Contractors will be required to pickup the Request for Proposal in person from our offices.

Complete Requests for Proposals can be obtained from:

Joseph D. Pignato, P.E.  
Sr. Agreements Administrator  
Minnesota Department of Transportation  
Seventh Floor North  
395 John Ireland Boulevard, Mail Stop 680  
St. Paul, Mn 55155-1899  
Phone: 651-297-1172, FAX: 651-282-5127

The responses to the Request for Proposals must be received by 2:00 PM July 26, 1999.

**Late Submittals will not be considered. No time extensions will be granted.**

The successful responders will be required to submit acceptable evidence of compliance with workers' compensation insurance coverage requirements prior to execution of the contract.

This request does not obligate the Minnesota Department of Transportation to complete the work contemplated in this notice, and the Department reserves the right to cancel this solicitation at any time. All expenses incurred by submitting contractors responding to this notice will be borne by the responder.

## Non-State Public Bids, Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

## Metropolitan Airports Commission

### Notice of Call for Bids for Sand, Salt and Urea for Ice Control

Sealed bids will be received by the Metropolitan Airports Commission at its office at 6040 28th Avenue South, Minneapolis, MN 55450-2799, until 2:00 p.m., Local Time, Wednesday, July 14, 1999, **for the procurement of SAND, SALT, AND UREA FOR ICE CONTROL.**

At the time and place the bids will be publicly opened and the names and address of those responding read aloud. The mailing address is, MAC Purchasing Department, 6040 28th Avenue South, Minneapolis, MN 55450, and **bids to be considered must be received by the Commission by the date and hour set for opening of bids.**

Bids shall be according to the specifications. The Commission reserves the right to reject any or all bids or portions thereof, and to waive any minor irregularities or informalities therein. Copies of the Specifications may be obtained at the office of the Commission, 6040 28th Avenue South, Minneapolis, Minnesota 55450. Phone: 612-726-8146.

Dated: 14 June 1999

Metropolitan Airports Commission  
JoAnn Brown/Buyer-Administrator

## Minnesota Historical Society

### Request for Bids for Split Rock Lighthouse Wastewater Treatment Improvements

The Minnesota Historical Society (Society) is seeking bids from qualified firms and individuals for Wastewater Treatment Improvements at the Split Rock Lighthouse, located at 3713 Split Rock Lighthouse Road, Two Harbors, Minnesota 55616. This project consists of abandoning the existing holding tank, and removing approximately 280 feet of 3" forcemain, installing a new sewage pump station, a 4500-gallon sectional holding tank with pumps, installing approximately 280 feet of 2" PVC forcemain and construction of a mound treatment system.

A **MANDATORY PRE-PROPOSAL MEETING** will be held at the Split Rock Lighthouse, at 1:00 P. M., Central Time, on July 12, 1999.

The Request for Bids, including the specifications, is available by calling or writing Chris M. Bonnell, Contracting Officer, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102. Telephone is 651-297-5863 [chris.bonnell@mnhs.org](mailto:chris.bonnell@mnhs.org)

Bids must be submitted in the form that will be provided in the Request for Bids. Sealed bids must be received by Chris M. Bonnell, Contracting Officer, or an authorized agent, at the Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102 by **Monday, July 19, 1999 at 2:00 P.M. Central Time.** Late proposals will not be accepted.

## University of Minnesota

### Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Requests for Bids/Proposals through its fax back Bid Information Service (BIS). Subscriptions to BIS are \$75/per fiscal year (not prorated). Call 612-625-5534 for information or visit our web site at <http://purchserv.finop.umn.edu>. Choose BID Information Service.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. - 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls, MN 55454.

